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the British throne. After the extinction of the Stuarts, and of all interest in, or favour for, that unfortunate house; and after the dangers which began to arise from a new quarter, its claims were likely to undergo a change. Nothing now separated the crown from its natural friends—from those who were disposed to support to the utmost the cause of authority and of hereditary right. This party were now disposed to transfer to the Hanover succession that fealty which their ancestors had felt for the hopeless cause of the abdicated race. Perhaps, had there been as deep a root of toryism in the country, as under William, or even under George II., the consequences might have been dangerous to public liberty. But tories, even the most zealous, no longer supported monarchical power with the same blind zeal as their jacobite ancestors. They supported it, not on the principles of divine right and passive obedience, but simply as tending to support the welfare of society, and the place which they themselves held in it. When to this coldness of the supporters of the crown, we add the increased numbers and zeal of those who seek to reduce its prerogative, there seems very little reason to suppose or apprehend any general increase of the royal influence.

If, from political arrangements, we proceed to public economy, and the pursuits of national industry, we shall find the reign of George III. constituting a truly remarkable era. Britain presented then a progress, unequalled in any other age or nation, either as to its rapidity, or the height which it reached. Science came forth from her closet, and taught the mechanic, with instruments before unknown, to ply the loom and the wheel with tenfold effect. Its instructions,

duly seconded by the industry and skill of the British capitalist, produced manufactures that seemed sufficient for the supply of a world. The old English staples of wool and iron; another was added, which soon eclipsed both, though with talents drawn from an opposite source. This manufacture, which in a few years converted villages into cities, and covered barren tracts with an immense population, may probably boast a superiority, in regard to the amount of its products, over any ever established in the world. We forget to make any observations on the stagnation which this, still more than the other branches of industry, has so remarkably experienced; being yet unable to determine whether it is to be ascribed to a permanent decline, or merely to the temporary exhaustion produced by over excitement.

The foreign trade of England has been in no proportion to its manufactures; many of which were destined for the supply of the most distant regions. The forced carrying trade of the United States, which it lost by their attainment of independence, has been much more than compensated by the valuable trade of commerce with that flourishing quarter of the world. The carrying trade, which Britain gained during the revolutionary war by the annihilation of her navies, was not perhaps of so great value as has been supposed.

Meantime, the present age has been more peculiarly distinguished by improvements in a different direction. From the fifteenth century downwards, commerce has been the leader before which the nations bowed. Agricultural industry and internal communication were considered as objects humbly useful indeed, but not as those in which the splendour and greatness of a nation consisted. The

present age took a sounder view of the subject. Agriculture was at length owned as the grand and solid basis of national prosperity; its advancement became the object of general solicitude; societies for its improvement were instituted, over which the most illustrious personages in the nation made it their pride to preside. In short, with such effect were knowledge, skill, and capital, employed by the farmer, that in the course of this reign, the rents over the kingdom were generally tripled; and in the northern and previously less-improved districts, were raised in a much greater proportion. For reasons already mentioned, we shall say nothing of the existing stagnation, till it shall appear to what extent it is likely to be permanent. We cannot, however, forbear alluding to the vast works undertaken during this period for the promotion of internal trade. Those carried on by government, though very extensive, bear but a very small proportion to the numberless millions expended by private adventurers; so that England may now be considered as rivalling China in this species of improvement, the most valuable and permanent of any.

Our limits scarcely admit of considering this age in a literary and intellectual view. A volume would be necessary to do justice to so vast a subject. Suffice it to say, that no period in the history of the world has been witness to more varied or more splendid exertions. In this reign the muse of history, which had almost slumbered in modern times, and more particularly in England, produced, in Robertson, Hume, and Gibbon, models rivalling the most classic productions of antiquity. Moral and metaphysical science was not new to this country; but it has been amply sup-

ported by a crowd of great names, of which the northern part of the island contributed a large proportion. The poetic muse, after having produced in the first part of the reign, only scanty and humble effusions, burst forth latterly in a series of varied and splendid efforts, which have surpassed the age of Anne, and perhaps rivalled the more brilliant one of Elizabeth. In this respect, England is now pre-éminent over the rest of Europe. Mathematical, physical, above all, chemical science, has been distinguished by so many illustrious names and great discoveries, as would have raised England above any other country, had not France, in this one respect, been so very pre-éminent, as perhaps to claim some degree of superiority.

But the circumstance, perhaps, which characterizes the present age beyond any other, is the general diffusion of knowledge among all classes of the community. First, ignorance has ceased to be any glory among the classes distinguished by wealth and opulence. Among the gentry of the old school, although it was considered requisite to possess the first elements of education, yet any habit of literary pursuit appeared unsuitable to a man of rank and of the world, and what should be left to those whose special business it was. The same principle was applied still more rigorously to the fairer part of the creation; who, it was supposed, could no longer form the ornament of our societies, or the careful guardians of our household, if their science extended much beyond the kitchen and the drawing-room. The last half century has effaced these prejudices. At present, with respect to both these classes, a certain measure of knowledge is considered indispensable; much larger as an ornament; and

the very highest scarcely as a blemish. The proficiency of our lords and ladies is duly attested by the valuable works which they have produced, and by the number who stand at the very head of our literature. With respect to the latter, also, we are happy to understand that this qualification has not been found to interfere either with their agreeableness in society, or with the regulations of domestic economy.

After all, however, the most important revolution, and that which seems pregnant with the greatest changes, consists in the extension of knowledge in quite a different direction—in the diffusion of its elements among that humbler and more numerous class, who were formerly supposed to be shut out entirely from the pale of intellectual existence—destined to be the mere hewers of wood and drawers of water for the more fortunate part of their species. In Scotland, indeed, for more than a century, the valuable institution of parish schools had diffused, at least through all its rural districts, benefits which were universally acknowledged. But in England, and the rest of the empire, the first principles of education could be obtained only at a higher price than the labouring class had the means, or at least the inclination, to afford. The English labourer, even when receiving ample wages, remained usually sunk in fat contented ignorance, and did not even care to collect that scanty measure of knowledge which circumstances would have allowed. He fell into that stupid and benumbed state to which the labouring class is liable in a commercial state of society; when the division of labour, reducing the occupation of every individual to a narrow mechanical routine, withdraws all daily demands upon his intellect. In

this respect, the most marked change has now taken place. All the efforts of ingenuity and philanthropy have been exhausted, that even the humblest British subject may attain those first principles of knowledge, which are essential to his moral and religious welfare. The religious, the literary, and the political worlds, have combined their efforts in this great purpose. With the means, the desire of knowledge has also become general. The political events of the present day, peculiarly calculated to act on the mind of the lower orders, had no doubt a wonderful effect in rousing them from their apathy. Knowledge, besides, possesses so many attractions for the human mind, that when placed within view and within reach, the desire of attainment can scarcely fail to be excited. Thus, it is no longer doubtful, that all the subjects of the crown of Great Britain, will, in the next age, be a reading generation. The consequences may not be of that wholly unmixed good which sanguine philanthropists are apt to conceive. We have no doubt that evils will arise; perhaps we have already experienced some, and others may follow, which cannot now be discerned by the narrow range of human intellect. But none of these considerations can, we apprehend, deter the well-wisher of his species from putting his hand to a work which cannot now be arrested, and must, in its ultimate efforts, be productive of a general improvement.

In closing this hasty survey, it is impossible not to remark, that Britain, at the end of the reign of George III., occupied a more conspicuous place in the system of Europe, and of the world in general, than at any former period of her history. She held that which France had taken since the reign of Lewis XIV., and



which Spain had held before—as the centre of power and civilization—the model upon which other nations seek to form themselves—the hinge round which all the great changes in the world revolve. How long she may retain this proud pre-eminence, so dearly purchased; while so great a ferment prevails in the world, and revolutions are every where afloat, cannot be too confidently predicted. It can only be said, that there is no present appearance of rivalry to it among any other European power or people; and that it may probably be expected to last till Europe itself be eclipsed by the mighty empires rising beyond the Atlantic.

The question now arises, amid these great changes which marked the fate of Britain during this reign, what the Monarch himself was, and what influence he exercised? It must first be admitted, that there can be no room for ascribing to George III. that energy and originality of mind which could enable him, like Lewis XIV., or Charles V., to stamp his own character on the age. In the great events which took place in Britain, or which were effected in the nations around, it never could be said that the Monarch himself gave the main impulse. But what is, that this is a quality under the want of which the nation has in no degree suffered; and which it is neither desirable nor desired that a British King should display. That principle, the necessary basis of a limited monarchy, which imposes upon ministers the responsibility of public measures, vests in them the actual direction of those measures, and establishes the King rather as an ornament and central support of the political system, than an active member of it. To do well the honours of his situation—to exhibit the virtues of private life—to make dignity, moral

purity, and respect for religion, leading features in his external deportment, without forbidding austerity, to guard the gaieties of a court from degenerating into licentiousness;—these, which in an absolute prince are only secondary qualities, become of the first value in the head of a limited monarchy. The eminent degree in which they were displayed by our late venerable Sovereign, has excited universal applause.

In regard to public measures, the King gave some striking proofs of willingness to remain in his place as a member of a constitutional monarchy; and even where obvious expediency dictated, to extend the powers of those branches which were independent of himself. This appeared conspicuously in the measure recommended by himself from the throne, within six months after his accession, of rendering the office of judge independent of the executive. The nation was thus indebted to the spontaneous act of its King, for the most important accession to public liberty which the constitution has received since the Revolution. Lord North was accustomed to say, “The King would live on bread and water to preserve the constitution of his country. He would sacrifice his life to maintain it inviolate.”—“Born and educated in this country,” said he, “I glory in the name of Briton.” And he had accordingly shaken off entirely that preference of Hanover, which had been felt as odious in the former monarchs of that race. It could never, indeed, be expected, that, steering through his whole life between opposite parties, and shewing preferences to one or another, he should escape severe strictures on his public career. There are not wanting those who charge upon himself, personally, all the measures of his reign which have had an unfor-

fortunate issue. There was always room for this; because, as a curtain constantly hides the process by which official measures are formed, the respective shares of the King and Ministers are a subject open to whispers and conjectures, and are usually moulded by each party according to their views and prepossessions. He is openly charged with a passion for war. This accusation really appears to us somewhat too bold. What are the facts? George III. came to the throne in the midst of the most splendid and glorious war ever waged by Britain. He came at the age when mankind are most liable to be smitten with the love of military glory. How did he act? From the moment of accession, all his aims were pacific. He sacrificed his minister, in hopes of avoiding an extension of the theatre of hostilities; and he finally made an entire sacrifice of his popularity, by concluding peace sooner, and on worse terms, than the nation fondly expected. What proof could be more decisive of a peculiar reluctance to engage in war? After this, supposing him to have favoured the American Contest, (which we shall speak to presently,) can any one suppose him to have driven so valuable a part of his empire into rebellion, and hazarded its loss, rather than not have war in some shape or other? With regard to the revolutionary conflict, supposing it true that it was promoted by the King's personal influence, it was surely a cause which interested, too strongly, all the feelings of royalty, to render it necessary to infer any abstract love of war. But, in fact, we find nothing but bare assertion as to any peculiar interference of the King upon this occasion. Mr Pitt, assuredly, was never suspected of any want of zeal in keeping down the growth of French power, and effecting its humiliation. The standing

charge of his enemies is that of rash and imprudent zeal to effect this object; and we never heard it once alleged that it was a system forced upon him, and into which he reluctantly entered. Mr Addington, (Lord Sidmouth,) well known to be a favourite minister of the King, came in on a peace-making basis, and made peace. It has been said, that the King expressed surprise when he heard of the signature of the peace of Amiens; but it is admitted, that he immediately expressed his wish that it might be lasting. With regard to the renewal of the war in 1803, no interference of the King was ever heard of; and the arrogant demands of Buonaparte—the conflict between the periodical presses of France and England—and the ferment it excited in the nation, are quite sufficient to render any further solution superfluous.

George III. was much and long charged with favouritism. The guides of his political judgment were said to be, not his ostensible ministers, but private individuals, whose opinions he preferred. The cry of “an influence behind the throne, greater than the throne itself,” was re-echoed from Burke to Belsham, and continued to be a standing topic of declamation. We need not assemble facts relative to this charge, since it is entirely given up, even by the severest critics, who now universally admit, that he never had any such private adviser. The charge at present is, that he never paid due regard to any advice, public or private; that his object, from the first, was to be his own minister, and to have his own will in every thing. We are told, that the first lesson, instilled into him by his mother, the Dowager Princess of Wales, was, “George, be King;” and that this precept was never forgotten. We are not disinclined to admit, that, under

some exaggeration, there may be some truth in this statement; and that the King really had somewhat of a determined will. It is already admitted, that the machine of a limited monarchy works more conveniently when the King quietly leaves the chief direction of affairs to his responsible advisers. But however convenient this may be, would it tend to exalt our opinion of the individual so acting? Would there not be something *ignominious* in one who contentedly suffered himself to be kept as a state pageant, like the infant Lama of Thibet, mechanically to perform a round of outward ceremonies; and who should willingly view, as an unconcerned spectator, the manner in which his kingdom was administered. That a King, by forming plans, and seeking their accomplishment, should act somewhat as a disturbing force in the revolutions of the political wheel, is an evil which human nature obliges us to expect, in counterpoise of the benefits derived from the regal branch of the constitution. But it would be difficult to adduce instances in which this natural desire to exercise his own will remained to bend to the constitutional limits which rose against it. No other King of the Hanover dynasty, or since the Revolution, was ever controlled, on so many occasions, by the interference of Parliament; yet though sometimes touched in the very tenderest part, he yielded on almost every occasion, with a tolerable grace. There is, indeed, the striking exception of Mr Pitt's first accession to the Ministry. He certainly was maintained there, for a short time, against a Parliamentary majority; but the circumstances were so peculiar, that even Mr Nichols, a zealous whig, and severe critic on the King, applauds his conduct on the occasion. In the peculiar case, where a coalition of fac-

tions, equally odious to King and people, has obtained a majority in Parliament, it can scarcely be called an unconstitutional stretch of power to make an appeal to the electors, by the dissolution of that assembly. Indeed we cannot help, by the way, remarking, that the long adherence of the King to a minister of such a lofty, uncompromising, and almost imperious character as Pitt, seems incompatible with that violent and headstrong determination, of which so much has been said. It is understood that they had quarrels; but on these critical occasions, the King, if we mistake not, was usually obliged to yield. The only measure which was certainly and avowedly his own, and in support of which he shewed his determination to brave every consequence, was one to which he considered himself bound by a religious obligation. Even on this point, however, he had to contend with his Ministers only, and not with Parliament. Nay, the opinion, enlightened or not, of a majority of the nation, was here in his favor.

We have now to consider George III. in his private capacity; and here it is allowed, on all hands, that he shone conspicuous. From those vices which are almost inseparable from, and by the world considered venial in, the possessors of exalted rank and unbounded wealth, he was so wholly exempt, that it would be difficult to find a course of domestic life equally meritorious in the most private individual. All the efforts of the royal power were directed to the support of religious and moral principle throughout the wide sphere of their influence. The effect of this disposition was likely to be the greater, since it was not accompanied with any recluse or forbidding austerity. It was peculiarly important in periods such as we have

witnessed, when manners, among the higher ranks, tended towards general dissoluteness, that every thing within the precincts of the court should be kept thus perfectly pure. The King's dutiful affection for a partner possessed rather of solid than engaging qualities, and his strict attention to the education of a numerous progeny, were equally exemplary. At eight in the morning he regularly attended divine service in the royal chapel, when the solemnity of his deportment, and the fervour of his responses, were particularly observed. Yet amid these strong impressions of religion, joined to particular attachment to the Church of England, he was always a friend to toleration. He cordially concurred in the numerous mitigations which took place during his reign of the penal statutes against dissenters, without excepting Roman Catholics. He extended a full pardon to a priest of this persuasion who had been condemned, on an obsolete law, for the saying of mass. His ultimate resistance to the full extension of political privileges of this body, is allowed on all hands to have been founded on the most conscientious scruple.

The King's understanding has been a subject of doubt and criticism. It is now generally allowed to have been respectable. He thoroughly understood public business, and paid constant and unremitting attention to it. At Windsor, his usual residence, papers and communications relative to matters of state, were transmitted to him by Ministers early in the morning. He rose at six, and usually dispatched the greater part of them before breakfast. When any thing occurred in the course of the day, an express was sent out, to which he paid immediate attention. Nothing submitted to him was passed over in a hasty or indifferent manner. Every paper examined by him contained

marginal notes, marked by reflection and strong sense. Those who were in the habit of conversing with him on business, declared, that his manner then bore no marks of that frivolity which sometimes prevailed in his ordinary discourse. He spoke with dignity and fluency; and shewed himself completely master of every subject which came under consideration.

George III. has not been distinguished either as literary, or a patron of literature. In letters from his mother, the Princess Dowager, preserved in the Diary of Bubb Doddington, he is said to be an honest boy, but not apparently to learn much from his tutors. He grew up, accordingly, with little knowledge of Latin, and less of Greek; though he spoke with fluency several modern languages. Notwithstanding the distinguished exceptions of Johnson and Beattie, the eminent authors who illustrated his reign, depended chiefly for patronage on public favour. Yet there were several important respects in which the King shewed his value for knowledge. He collected, singly, the most extensive library that perhaps ever was accumulated by any one individual. Several gentlemen were continually employed, both at home and abroad, in procuring for him the most valuable works. One of these informed the present writer, that he had instructions to procure only useful books, and editions of sterling value, to the exclusion of those which had only rarity to recommend them. The King's favourite studies were theology, history, and voyages and travels. These accordingly were the branches in which the library was richest. The collection of maps and charts was also particularly extensive. We have been assured, on the above authority, that there was not a better geographer in his dominions than the King himself. He is said, however,

to have been fond of learning the contents of books rather by the information of persons employed to read them for the purpose, than by reading them himself. A still more useful zeal was displayed in promoting the diffusion of knowledge among the lowest class of his subjects. The speech is recorded of him, that he hoped the day might come, in which every poor child in his dominions might be able to read its Bible. He took under his immediate patronage the plan of facilitating instruction invented by Lancaster; and it is remarkable, that he always continued this patronage, even after the Church of England had transferred theirs exclusively to the system of Belf. The liberal patronage of their Majesties was also extended to the establishment of Sunday Schools, for the religious education of the poor.

Among the useful objects to which the attention of the King was earnestly directed, agriculture was prominent. Indeed the occupations of a practical farmer were pursued by him as a favourite amusement, without any regard to the ridicule attempted to be thrown by certain wits on this humble recreation. Anxious to instil the same taste into his offspring, he assigned to each of the young princes a spot of ground, which they sowed and reaped with their own hands. His Majesty justly understood the functions of a royal farmer, in endeavouring, by example and experiment, to improve the process by which the art was conducted. He prided himself particularly on his stock, and in improving the quality of British wool by the importation of the finest Merino breeds. There are preserved three letters, sent by the King to the Annals of Agriculture, under the signature of Ralph Robinson. They relate to the methods employed by Mr Duckett,

an improving farmer in his neighbourhood, and are written in a plain, perspicuous, not very inelegant style. Such an example could not but go far in effacing the ignoble ideas which half a century ago were barbarously attached to this most useful pursuit; and in rendering the taste, as it has since become, general among great proprietors.—Another useful pursuit was still more effectively promoted by royal influence. The voyages of discovery, particularly those of Cook, which gave a lustre to the reign of his Majesty, originated chiefly in the personal interest taken by himself in these spirited undertakings.

It has already been observed, that the King's strict principle, and his aversion to dissolute pleasures, were not attended with any forbidding austerity. He possessed even a lively taste for most liberal and elegant amusements. He took particular pleasure in music; and occasionally performed himself on the piano-forte. Handel was his favourite composer; and German music was generally preferred to the Italian. The sister art of painting was largely indebted to his patronage for the flourishing state to which it has now reached. Reynolds and West, its two greatest ornaments, both experienced his favour; and it was to the ample employment afforded to the latter in the royal palaces, that he was enabled to rise to the highest place in his art. Their Majesties were also fond of dramatic entertainments, and frequently honoured the two national theatres with their presence.

The King, in several particulars, displayed a magnanimity which seems to belong only to a great mind. His personal courage was fully proved on occasion of two frantic attempts made upon his life. The first was by Margaret Nicholson, who attempted to stab him as he alighted from his car-

riage at St James's; the other by Hatfield, who fired a pistol at his head from the pit of Drury-Lane Theatre. The composure displayed on this last occasion was very remarkable. He not only witnessed the representation with perfect tranquillity, but took his accustomed doze of a few minutes between the play and the farce. In the outrageous attack made by the mob on his way to Parliament in 1795, the King appeared the most unmoved of all his train; and he delivered his opening speech with, if possible, more than usual distinctness and correctness. Striking magnanimity was also displayed in his feelings and conduct towards the remnants of the unfortunate house of Stuart. The particulars are too well known to need repetition. No monarch was ever exposed, in an equal degree, to the shafts of personal satire. The invective of Wilkes, and the ridicule of Wolcot, continued for years unremittingly directed against his person. To all these attacks the King remained proof to a degree which reflects uncommon credit upon him. He could even despise the last, though the most trying of all to the usual frailty of human nature. His Majesty prohibited all prosecution of Wolcot, although the indecorous nature of many of his sallies would have afforded probably a successful ground for it.

It is recorded, in one of his morning walks through Windsor, he happened to enter a bookseller's shop, and began to read. The master, who was not so early, hastened in, and was in no small dismay when he found his Majesty employed upon Paine's Rights of Man; and, particularly, that he had opened the book at the place where he himself was described as unfit to perform the office of a parish constable. The King, however, in-

tensely read on; and the bookseller remained in agony, till his visitor, coming to a pause, laid down the book, and began to enter into conversation with his accustomed good humour; nor were the bookseller's fears of any future visitation in consequence, ever realized.

George III. was in his youth accounted handsome. He was in stature above the middle size—his countenance florid—his eyes blue—his hair so light as to approach the colour of white—his manner, frank, open, and gracious, pleased the English, who had been accustomed to German reserve and stateliness in his two immediate predecessors. With those who surrounded or were introduced to him, he entered readily into familiar conversation. He had even the art of persuading them, that they were the exclusive objects of his attention. At the same time, his manners are represented as somewhat deficient in grace and dignity. He spoke hurriedly, putting numerous questions, often twice or thrice repeated, and without always waiting for an answer. In his hours of relaxation, he delighted in a species of broad humour, and indulged in boisterous laughter at his own jokes, which were not always marked by the most poignant wit. Hence was derived to superficial spectators an unfavourable impression of his understanding; the injustice of which was perceived by those who saw him in his serious moments, and his hours of business. A great exaggeration, however, was probably made on both sides, when he was described as having the ablest mind and the awkwardest manner in the British dominions. On the whole, we may confidently pronounce, that the British sceptre has been swayed by only a few greater Kings; by none more dis-

tinguished for conscientiousness in public, and purity in private life. The long and deep shade which covered the close of his career, and those great events, of the lapse of which he was so deeply unconscious, softened all feelings of party and personal disappointment, and gave him, in the eyes of the nation, almost a sacred character.

The death of the King was immediately followed by the accession of George IV, which took place with all the usual formalities, and amid expressions of general satisfaction. The details, consisting of mere matters of ceremony, are given in the Chronicle.

The death of the King had been only a short time preceded by that of his fourth son, the Duke of Kent. This event was the subject of very deep regret. The Prince had redeemed some youthful faults, and acquired universal esteem, by the most extraordinary and unremitting exertions in support of all those beneficent plans and institutions with which the age teems. To those, latterly, almost his whole time appears to have been devoted. The general correctness of his domestic life, and the virtues and connexions of his august spouse, heightened the public esteem and regret.

## CHAPTER. II.

## INSURRECTIONARY MOVEMENTS.

*Plot by Thistlewood and others to Assassinate Ministers.—The Detection.—Disturbances in Yorkshire.—Rising at Glasgow.—Action at Bonnymuir.—Tranquillity restored.*

THE emotion caused by the death of George III., and the commencement of a new reign, had scarcely subsided, when other, and very different events, forced themselves on public attention. The discontent, which had so long been deeply and secretly fermenting, exploded with such violence, as to diffuse for some time a very serious alarm. The general distress of the labouring classes presented, as usual, a state of things highly favourable to the designs of the disaffected; while the disappointed and the sufferers in former abortive attempts, becoming always more fierce and embittered, threw aside at last that remnant of moderation to which they considered their former failures as imputable, and determined to proceed at once to the most violent extremities.

London, which contains always a population ready for every criminal and desperate enterprise, afforded the first theatre of action. Thistlewood, who, by legal distinctions, rather than by any proof of innocence, had escaped the effects of a former tumult, emboldened by impunity, and, at the

same time rendered desperate by the state of his private affairs, formed a scheme the most daring and atrocious which had been witnessed by England since the era of the Gunpowder Plot. From amid the obscure recesses of the metropolis he collected a small band of individuals, not of the very lowest rank, but whose ruined circumstances caused them to "regard the world as not their friend, nor the world's law," and rendered them fit instruments for such a deed of darkness. To them he disclosed this new scheme—more daring than had ever entered the mind of the most infuriate enemies of social order. It was founded on the following circumstances:—

The Ministers of the Crown are accustomed, from time to time, to cement their union by that grand English rallying point—a dinner; to which the members of that high confidential body, entitled the Cabinet, are alone admitted. It was proposed to seize one of these occasions. An armed band might be organized, which, though unfit to cope with any regular or duly assembled force, could surprise a few unarmed and



unsuspecting individuals, collected on an occasion which tended to lull asleep every caution. Buoyed up by these fatal hopes, he anxiously waited the moment when the newspapers, according to their usage, should announce a Cabinet dinner. The affair had already been opened in secret conclave; and about twenty five had been found, who declared themselves ready for every extremity. A garret or loft was hired in Cato-street, a sequestered situation at the west end of the town, in which the instruments of death were deposited; and a rendezvous appointed on the afternoon of the 23d February to muster for the fatal onset.

Such were the means by which it was expected to overthrow the British Constitution, and erect a new government on its ruins. Yet contemptible as these appeared, it would have been rash to estimate, according to them, the extent of the evil which might have ensued. The assassination, could the design of it have escaped detection, had certainly the chances of success in its favour. As soon as this should be announced, instruments were ready to raise in the city the standard of insurrection, which would probably have been joined by many; while, in the North of England, and the West of Scotland, a store of combustible materials was collected, ready to blaze at the first spark. Although, therefore, the solid elements which compose the British Constitution could never have yielded to such an attack, yet an interval of anarchy and bloodshed could not have failed to ensue, sufficient, for a long time, to derange the state machine, and to aggravate, in a fearful degree, all the evils under which the nation already groaned.

The state was never in actual danger of such an issue. The conspirators were, from the first, betrayed by

Edwards, one of their own number; whom they afterwards loudly denounced as having acted the part not only of a spy, but of an instigator. This charge was never investigated. There certainly appears some ground to suspect that Edwards had some concern, not in originally devising the affair, but in maturing and bringing it into shape; a course certainly highly unjustifiable, though it was a case in which the services of an informer, or even of a simple spy, could by no means be rejected. Besides him, however, another, (Hyden) who had for a moment been seduced, but whose better sentiments prevailed, followed Lord Harrowby into the Park, and made a full communication of the criminal designs which were to be put in execution that very day. This information being communicated to the Cabinet, and confirmed from other quarters, it was till determined to delay any apprehension of the conspirators, till they should be in a situation which might render the proof of their guilt complete.

The preparations for the dinner went on ostensibly as before; and the police officers contented themselves with watching the premises, into which materials for the dark purpose intended were seen conveying in the course of the day. In the afternoon, a body of twenty-five conspirators were mustered, and were taking some refreshment previous to issuing forth to fulfil their fatal purpose. Meantime, Mr Burnie of the police had collected twelve officers, who were supported by a company of the Coldstream Guards, under Captain Fitzclarence. The loft was accessible only by a ladder, at the foot of which a sentinel was posted. The officers, however, secured the sentinel, and rushed up the ladder; but by this time the conspirators had taken the alarm, armed themselves, and, at the

call of Thistlewood, were hastily putting out the lights. Thus prepared for the mortal combat, they rushed to meet the officers; and Thistlewood thrust his sword into the body of one, (Smithers) who instantly expired. The troops now rushed in, and a desperate conflict ensued in the dark; during which, Captain F. had nearly received the pistol-shot of one of the assassins. Thistlewood made his way down the stair, and escaped; but nine were seized; among whom were Ings, Tidd, and Davidson, three ring-leaders; the rest leaped out of the window behind, and escaped over walls, and through obscure passages.

The most active exertions of the police were now directed to the apprehension of Thistlewood; and on the following morning he was traced by Lavender and Bishop to an obscure house in White-street, Little Moorfields. There, having lulled himself into a belief of his own safety, he was found lying securely in bed, and was obliged to surrender without resistance.

On the same morning, Brunf, another of the most active agents, was arrested at his own house. It was satisfactory to observe, that as the conspirators were carried along the streets, sympathy in their favour seemed scarcely in any instance excited; and, in general, unequivocal horror was expressed of the crime which they had meditated.

The leading conspirator, being thus secured, some time was lost in bringing them to trial. The great technical difficulties, which by the legitimate jealousy of the English law attend the proof of treason, obliged the law-officers to secure conviction, by calling in the murder of Smithers; and even to avail themselves of the act against cutting and maiming. Notwithstanding, however, the ingenious

defences of their counsel, the Jury, in a case of such manifest and atrocious guilt, made no hesitation in finding a verdict against them to the full extent of the charge.

What connexion, or whether any, this daring attempt had with the discontents fermenting in the provinces, does not seem very well ascertained. Certain it is, that at this time, the malcontents entered very extensively into the determination to throw off all appearances, and to raise the standard of open insurrection. For some months, preparations for this issue had been almost publicly making—midnight drillings took place throughout all the disturbed districts—popular meetings were entered and quitted in the military step—pikes were manufactured—and supplies of fire-arms procured from every quarter.

The centre of disturbance, as to England, lay among the woollen manufacturers in the Western Riding of Yorkshire; particularly about Leeds, Wakefield, and Huddersfield. From the 31st March to the 3d April, the inhabitants were disturbed by small armed detachments traversing the country, and even approaching the towns, though they did not venture to face the military. At length, it became generally understood, that on the night of Tuesday the 3d, a general union was to take place, and a desperate attempt made to possess themselves of Huddersfield. A meeting was held of the principal inhabitants of that town—the armed association was called out—the entrances barricaded—and Huddersfield exhibited all the appearances of a besieged place. During the night, patrols employed to scour the country brought intelligence that armed parties were moving from all points in the direction of Ghangemoor, a large plain about six miles from Hudders-

field, and half way on the road to Wakefield. Thither, accordingly, was dispatched a small body of troops, consisting partly of Irish dragoon guards, and partly of yeomanry. Meantime, the insurgents, to the number of two or three hundred, had actually collected in Grangemoor, with arms and standards. This force, however, was so much smaller than they had been taught to expect, as plainly to prove the delusion practised upon them. Their situation besides, when, inflamed by the harangues of their popular orators, they formed a tumultuary resolution to hazard all in the cause of liberty, was very different from the present, when they found themselves standing on the battle field, to abide the issues of life and death. Under the influence of these feelings, long before the appearance of the cavalry, the whole party threw down their arms, and fled in every direction, which appeared to afford the best promise of safety. The soldiers, on arriving, saw nothing but the field bestrewn with a hundred pikes and a green standard, which they collected. No further attempts were made in this quarter to disturb the public tranquillity.

In the course of these transactions, twenty-two persons were arrested; and in September following, the Jury found true bills against them for High Treason. On their consenting, however, to plead *Gilty*, the lives of all were spared, and milder punishments allotted, according to the degrees of their guilt.

It was in Scotland, after all, that rebellion stalked with the most open front. No part of that division of that country contains such a concentrated mass of population as Glasgow and its vicinity, including Paisley, and numerous large villages, all employed in the cotton manufacture. For several

months it had been understood, that union societies, connected with those in England, had been very active—that secret drillings were carried on—and threats of actual insurrection had been repeatedly thrown out. Arrests of suspected persons had taken place at different times, but without being able to strike at the root of the evil. A general rising, it appears, was now determined on, in concert, doubtless, with their brethren in England; but the means taken to effect their purpose displayed an excess of audacity, which the latter could in no degree match. On the night of Saturday the 1st April, there was posted up in the streets of Glasgow, an “Address to the Inhabitants of Great Britain and Ireland.” It was composed in name of the provisional government, and might be considered as an open declaration of war against the existing government. It enjoined, that all labourers, of every description, should desist from work, and should not resume it, till they had obtained equality of rights; it denounced, as traitors to their King, all who should resist the measures about to be taken to attain that object; finally, it warned all who should neglect to comply with these injunctions, that the provisional government would not indemnify them for any loss which they might sustain during the approaching conflict. The same placard was posted up in Paisley, and in all the towns and villages for twenty miles round. The power of those from whom this mandate had emanated, was fully displayed next week by the multitudes who quitted their employments, and wandered through the streets in a state of portentous idleness. Emissaries were then sent to all the works that were still carried on; and by the joint influence of persuasion and threats, most of them

were emptied. The great mass of the population being thus loosened from all their regular habits, and withdrawn even from their means of subsistence, would not, it was hoped, remain long without being impelled into that extremity which it was their object to precipitate.

The Scottish administration, meanwhile, were providing, in a very active and judicious manner, against the threatened danger. They sought to assemble such a force as might not only deprive rebellion of every chance of success, but might even deter its votaries from the fatal attempt. In the course of a few days, the military force, including the yeomanry cavalry, from all the neighbouring counties, was concentrated at Glasgow. On the morning of Wednesday the 5th, which had been almost announced as the opening of the grand campaign, the streets of that city presented an imposing mass of nearly 5000 troops, of all arms, drawn up in regular array. Rebellion was appalled, and hid her face. In the extremities of the city only, some faint and convulsive efforts were made to effect her purpose. At six in the evening a drum was beat through Calton and Bridgeton; several banners were exhibited; and muskets fired at intervals, as signals. At the same time small parties entered sequestered houses, searching for arms, and, by violent threats, urging the inhabitants to take the field. These movements issued in the assemblage of two or three hundred men, partially armed with pikes and muskets. A party of cavalry, however, having rushed in and seized eleven of the most active, the rest hastily skulked off, and appeared no more. In Tradestown, a bugle summoned sixty pikes; but on seeing the smallness of their force, and no prospect of co-operation, they instantly dispersed. The day, whose

sun had risen with so lowering an aspect, closed in tranquillity; and but for a partial and almost accidental rally, the soil of Scotland would have been unstained with a drop of civil blood.

Glasgow seems evidently to have been viewed by the malcontents as the destined theatre on which hostilities were to commence; and parties from the neighbourhood were even invited to flock to it, as their common rallying point. Yet, on the morning of the 5th, a small armed band issued forth from that city, with purposes which were never exactly defined, but, from the course followed, could not possibly be other than of the most desperate character. They proceeded to Kilsyth, where they had some refreshment, in paying for which they took a receipt, in terms which evidently proved their expectation of being officially reimbursed. They then proceeded along the bank of the canal, till they arrived at a large common called Bonnymuir, where they expected, it is supposed, to have been joined by a considerable force. On their way, they had met an orderly with dispatches, whom they at first detained, but on his pretending to favour their enterprise, allowed him to depart, after presenting him with a copy of their seditious placard. This man immediately hastened to Kilsyth, where he found Lieutenants Hodgson and Davidson, commanding small parties, one of the 10th Hussars, and the other of the Stirlingshire yeomanry. These active young officers lost not a moment in setting out in chase of the enemies of public peace. After a rapid ride of nine miles, they reached Bonnymuir, where the radical guerilla had halted. That body, on seeing itself about to be confronted with this band of disciplined assailants, did not lose all courage. They drew up behind a

wall, which stretched across the common, and which they hoped would protect them against the approach of the cavalry. Lieutenant Hodgson, however, finding a breach at one end, dashed through it, followed by his troops, and instantly charged. A momentary somewhat brisk conflict ensued. A pike was violently thrust against Mr Hodgson, which pierced his hand, and mortally wounded the horse on which he rode. Several other pushes were made with some effect; but in a few moments, the insurgent array was entirely discomfited; and, throwing away their arms, they sought safety in every direction. Nineteen were secured, and carried to Stirling; the rest escaped.

Such was the beginning and end of this faint shew of civil war; for the disastrous bloodshed which took place at Greenock, in a manner so strange and unmeaning, had scarcely enough of political motive or character to belong to history; and we refer to the Chronicle for a full detail of it. Even this, in a country which for more than seventy years had been a stranger to intestine warfare, and knew it

only by dim and distant tradition, caused an extraordinary alarm and emotion. Yet it formed, in fact, one of those crises which, in the civil as in the natural body, expel the elements of disease, and prepare the frame for returning to a healthful state. The authors of the commotion, sensible how ridiculously inadequate were the means with which they had hoped to effect the overthrow of a great empire, threw up the cause in despair, while the misled multitude saw the full depth of the abyss from whose brink they had barely time to shrink back. This violent explosion was followed, almost instantaneously, by a universal tranquillity; the citizens resumed their pacific and industrious occupations, and earnestly besought readmission to those employments which they had so wantonly deserted; the yeomanry returned to their homes; and nothing remained, but to proceed according to the regular course of law, against those who had rendered themselves obnoxious to it during these violent proceedings.

## CHAPTER III.

## CLOSE OF THE PARLIAMENT.

*Formal Meeting at Death of George III.—The King announces his intention to dissolve Parliament.—Debates on this subject.—Temporary Votes of Money.—Discussions respecting the Queen.—Proceedings relative to Corrupt Burgles.—Dissolution.*

THE proceedings of Parliament during the present year are not of that varied character, nor susceptible of the same minute classification which has been followed in the history of the two preceding years. The dissolution consequent upon the demise of George III. caused a pretty long delay in its meeting for purposes of real business; while considerably before its usual period of separating, all its ordinary business was brought to an abrupt termination. A ground of debate occurred, which, like Aaron's rod, instantly swallowed up every other; and after which the House with difficulty found patience to go through that ordinary routine which is necessary for the dispatch of public business.

The first meeting of Parliament this year was one of mere form. The constitution holds it indispensable that the great council of the nation shall meet on the day immediately following the death of the sovereign, even though that day should chance, as it now did, to be a Sunday. Short

meetings were accordingly held on that and the two following days, when such members as attended took the oaths to the new Sovereign. On the 2d February, as it would have been indecorous to have proceeded to any ordinary business, Parliament was prorogued till the 17th.

On the 17th, the House having met, a message was immediately presented from his Majesty. It began with alighting, in natural and proper terms, to the event which had just taken place. It then stated, that his Majesty being under the necessity of summoning a new Parliament, within a limited period, had judged it most conducive to the public interest and convenience, to assemble one without delay. The House were therefore invited to concur in such arrangements as might enable the public service to be carried on during the interval.

In the proceedings to be held upon this address, ministers proposed, with the general approbation of the House, that the last point, which

alone was likely to move discussion, should be kept in reserve; and that their immediate reply should be only to that part which treated of the demise of the late, and the accession of the present sovereign. Upon this subject was proposed an address of combined condolence, congratulation, and respectful homage. This was entirely acquiesced in by all parts of the House, Mr Tierney only murmuring a little at the expression, "experience of the past," as seeming to imply approbation of measures lately pursued. The same unanimity attended an address of condolence on the death of the late Duke of Kent. Even in this first debate, however, the opposition members gave notes of warlike preparation against the intimated proposition, paving the way for an immediate dissolution of Parliament. Mr Tierney eagerly endeavoured to draw from Lord Castlereagh a statement of the precise nature of the measures to be submitted; but his lordship contented himself with saying, "they would be only such as were indispensable, and which the House might easily understand;" which last proposition Mr T. strenuously denied.

On the following day, Lords Liverpool and Castlereagh laid fully open the views which had induced them to advise the proposed dissolution. The former observed:—According to the common law, Parliament expired immediately on the demise of the Crown. He was aware that a specific act had been introduced to regulate the dissolution; but as far as he could trace the principle on which that act had been adopted, it appeared to be a desire to avoid any inconvenience which might arise from a disputed succession. While, however, he stated his opinion as to the origin of the act, he was sensible that many other cir-

cumstances, besides a disputed succession, might render the sitting of Parliament on such an occasion as the demise of the Crown highly proper; but for this purpose it was sufficient that the principle should remain in force, and that Parliament should immediately assemble. Accordingly, it was only the assembling of Parliament that was imperative; it did not follow that they were to continue to sit and transact business. How far they were to proceed in the consideration of public affairs was left to the discretion of the Crown, whose prerogative it was to dissolve Parliament whenever such a proceeding should appear proper. He could, however, see no reason, public or parliamentary, why the course now proposed should not be followed. When their lordships considered the circumstances arising from the loss his present Majesty had sustained, the nature of the business which would have to come before Parliament, and particularly the consideration of the civil list, he would leave them to judge, whether, with reference to all they knew respecting the details of public business at this period of the session, the important subjects to which he had alluded were likely to meet the attention which was due to them; and whether that event, which would only postpone the bringing them forward for a few months, was not one which would place Parliament in a situation to consider them with greater deliberation.

Lord Castlereagh, in the House of Commons, more particularly observed:—The alternative to which, in his opinion, his Majesty's government was reduced, was this—either that the existing Parliament should go through the entire business of the session, and prolong its deliberations as long as might be requisite for that

purpose, or that a new Parliament should be called with as little delay as possible. On adverting, then, to the two branches of this alternative, the House must be aware that a measure begun and not completed, before a dissolution, was upon a far less advantageous footing than if it had not been at all introduced. It was desirable also for the public interest, welfare, and tranquillity, that the country should not be exposed for an extended period to the agitations incident upon a general election. The only question would then be—what were the measures of such pressing necessity as to fall under the immediate cognizance of Parliament? He knew that it had been usual in practice to vote a great portion of the civil establishment of the Crown in the first instance; but as this would comprehend a variety of details, involving much consideration before they were brought under the review of Parliament, as well as much discussion perhaps afterwards, his Majesty's ministers had felt that, without an extension of time beyond the limit he had referred to, it was not probable that this could be arranged by the present Parliament. They were anxious that the great interests of the Crown and of the country should be deliberated upon with calm minds and in a full attendance. Each of these desirable objects had now become hopeless, and upon a view of all these circumstances his Majesty's ministers had deemed it their duty to advise the Crown to reserve for a new Parliament the consideration of the public business of the year.

The opposite party, without absolutely attempting to thwart the proposed measure, insisted that it was at least highly irregular. Ministers, it was urged, were compromising the rights of the crown, when they suffer-

ed the dissolving of Parliament, which was the King's sole and unquestionable prerogative, to become a subject of discussion in the Houses themselves.

The Marquis of Lansdowne would venture to say, that in the whole history of the country there was not an instance to be found of a monarch proposing to Parliament the propriety of its own dissolution. That was a proceeding which, according to the constitution, could not be made a subject of discussion. But what necessity had the noble Earl made out for the course of proceeding he proposed? He had intimated yesterday that he separated the consideration of the different parts of the message, as this subject would be more properly explained by itself. This explanation might be made in some quarter or another, but it had not yet been given there. The noble Earl had indeed adverted to a public necessity arising from the difficulty of transacting business, as the ground of his proposition, but he had by no means explained that necessity. If he alluded to certain public services which were to be provided for, and to provision to be made for the dignity of the crown, for his part he could see no reason why these subjects should not be taken into consideration by the present Parliament. The civil list, being a subject connected with the dignity of the Crown, was one which, he admitted, required deliberation, but its consideration had hitherto been submitted to the Parliament which assembled on the demise of the Crown. He readily admitted that he knew of nothing in the act to prevent the Crown from dissolving Parliament on the very day of its assembling, but then that was to be done on the constitutional responsibility of ministers; and since the passing of



the act, all ministers had chosen to exercise that responsibility in a different way, from that which the noble earl now avowed. According to the statement, which he had in his hand, of what occurred on the accession of Queen Anne, of George I., George II., and George III., in general only a few days had passed, and in no instance had many weeks elapsed, before Parliament proceeded to the consideration. Parliament assembled on the 8th of March, on the accession of Queen Anne, and on the 9th proceeded to the consideration of the civil list. The accession of George I. took place on the 1st of August, and Parliament took the state of the civil list into consideration on the 5th. George II. ascended the throne on June 11, 1727, and on July 11th the consideration of the civil list took place. In the case of his late Majesty, who succeeded to the throne on the 25th of October, 1760, the civil list was brought before Parliament on the 5th of November. Thus all precedents were against the noble earl, and he had assigned no sufficient reason for departing from the established course.

In the Commons, Mr Tierney observed:—In all former cases of exaltation to the throne, it had been judged proper to bring down a very different kind of message from the sovereign, and to make some communication to Parliament indicative of his Majesty's feelings and intentions, and of the general policy to be adopted under a new reign. What, however, was the amount of the communication which the House had actually received? They were dryly told, that it was deemed convenient to postpone all public business, and that they therefore were to be turned about their business. No view was afforded of the principle upon which

the government of the country was in future to be carried on, or of the policy by which it would be directed. He was not apprized of any power by which the existing civil list could be applied to the purpose of a new reign. It appeared to him very strange that Parliament should be dissolved before any provision was made on so important a subject. He was satisfied that there was some reason for all this beyond what had been assigned, and that no minister would adopt such a proceeding for his mere amusement. The noble lord talked of the inconvenience which would be produced by keeping the country in its present state with reference to an approaching general election, and appeared to think the beginning of May an excellent time for entering upon public business. He had always been taught to believe the exact contrary, and his experience confirmed this belief. At such a period of the year it was vain to expect a full attendance, and public business would become a dead letter. But the noble lord had even found out that it was convenient to have an election at the same time that the assizes were holding; and was it possible then to doubt that he must have some reasons, of which the House at present knew nothing? He was aware, however, that all opposition was useless, and that it was impossible to secure attention. The heads of honourable members were not full in the country, and filled with cockades, music, and returning officers. He was contending, however, for a constitutional principle, that the Crown ought to have no revenue independent of Parliament.

Lord Castlereagh vehemently denied the allegation of ministers having any intention or motive beyond what they had openly avowed. Mr Brougham, however, after decla-

ring his acquiescence in any measure which increased the frequency of elections, roundly asserted:—No man could doubt what the real reason was, not for dissolving Parliament, but for postponing the consideration of the civil list. There was not a gentleman in the House who would not laugh at him, if he doubted that the short account of the matter, instead of going on the prolix statement of the noble lord, was merely this:—that it was deemed more convenient not to broach that question in the present Parliament, but to discuss it in the new; because it was a more handy thing for ministers to propose it in the Parliament about to be formed, rather than to submit it to, and have it considered in that Parliament which was on its death-bed, and could not, at the utmost, exist longer than a few months.

Mr Macdonald, on the other hand, insisted, that such an uninterrupted series of precedents ought not to be passed over without some special reason assigned. Why was it that now, for the first time, it was not formally notified to Parliament that the civil list had expired? Could it be supposed, in this instance, that the House would not most cordially assent to any arrangement with the Crown?—that they would not at once agree to make such a provision as would be honourable for the people to grant, and worthy of the Crown to receive? There could be but one other reason for not bringing the subject forward. It was not connected with economy; but was this—that probably there might be something in the views and intentions of ministers that would not stand the test when a general election was approaching. Had the Parliament met at an uncommon or inconvenient period of the year? Did

their meeting at this moment interfere with the country gentleman's Christmas? No such thing. It was a singular fact, that they had assembled at the very time which ministers themselves designated for the transaction of public business. Here they were met, according to law, with a much longer period before them than the transaction of the public business, in its regular course, required. He was very far from disputing the power and prerogatives of the Crown, if it even dissolved one Parliament this week, and another the week following. At the same time, he entirely agreed with his learned friend, that ministers were as much responsible for the advice they gave to the Crown on this, as for that which they offered on any other subject.

Notwithstanding the warmth of these debates, no attempt was made to divide either House against the motion, which went to present an address to his Majesty, approving of the intention expressed in his message to call a new Parliament, and engaging to make such arrangements as might be necessary for carrying on the public business till the session should commence.

Ministers now proceeded, without delay, to bring forward the arrangements which they judged necessary for the above purpose. Several votes of money were therefore proposed, of which the most important was one of £200,000 for the discharge of pensions, annuities, and other payments, which would have been chargeable on the consolidated fund and civil list, if the demise of his late Majesty had not taken place.

This gave occasion to introduce a subject already felt to be of extreme delicacy, though no one yet foresaw the portentous issues to which it would lead. Mr Hume had already broached

the question, and observed with derision, that ministers, amid their hesitating professions of attachment to the House of Brunswick, had not made the slightest allusion to that illustrious person who now held the name and dignity of *Queen*. It was not his intention to find fault with the exercise of any power belonging to his Majesty for regulating the forms of the Church in the performance of divine service, although it was certain that very considerable difference of opinion was entertained upon that point, and that the late order had occasioned much surprise. He understood a proposition was to be submitted in the committee for a vote of credit to the amount of one fourth of the civil list. This, however, he apprehended would not suffice to provide an adequate establishment for the Queen, whose former allowance, as Princess of Wales, had ceased at the moment of his late Majesty's death. Was she then, the Queen of this country, to be left wandering in beggary through foreign lands, or would not Parliament rather make a provision for her support in a manner suitable to her rank and station? He submitted, therefore, to his Majesty's ministers, whether it would not be right to propose a distinct allowance, and must contend that they were bound both in justice and honour to disclose to the House all their views upon this subject.

Lord Castlereagh, while he declared his readiness to communicate any information which could be useful, conceived that he would best consult the feelings of the House and of the public by declining to go into any detail on this topic. He only gave assurance, that the high person in question would experience no additional difficulty or personal

embarrassment, in consequence of the event which had occurred.

Mr Tierney regretted that the subject had been introduced, but conceived it necessarily arose from the omission of the Queen's name in the church service. He would not grant to a person labouring under a heavy cloud of suspicion any portion of public money until that suspicion was removed. He could not suppress his conviction that somebody had been scandalously ill used—either the King had been betrayed, or the Queen had been insulted. He would not consult any feelings, nor yield to any supposed delicacy, which would impose silence upon him after what had taken place. It was time to speak out openly and honestly. He, as well as many others, had certainly heard rumours extremely injurious to the Queen's character—rumours which, if true, he had no hesitation in saying, proved her unworthy to sit upon the British throne. But it was impossible for him to act upon rumour, upon what might be mere idle calumny; this would be deemed gross injustice in the case of the humblest individual. It was, however, asserted, that a commission had been sent out for the purpose of collecting evidence on this subject. Was that true? and if so, did the noble lord imagine, that, with such evidence in his pocket, he was not bound to produce it to Parliament before he applied for a vote of money to the person whom it affected? If the rumours to which he alluded had any foundation, it was the duty of Parliament to take some steps in order to rescue his Majesty from the degradation of sharing his throne with such a partner. If they were false, there could be as little doubt that it was their duty to maintain her Majesty in all her rights and

dignities. He now called upon them in the name of justice, and in the name of the English monarchy, to give Parliament some information, and to submit the whole case to its inquiry. He pledged himself most solemnly, that, if a case should be made out against the Queen, he would second whatever measure might be requisite to set his Majesty's mind at rest. Should no case, on the contrary, be made out, it might and must be considered as a misfortune, that parties so connected, and in so elevated a station, could not live together; yet this, as unavoidable, must be borne. The Queen of this country, however, she must then be considered; and out of the mouths of the gentlemen opposite must that name proceed before he would consent to vote one shilling of the public money.

This speech of Mr. Tierney involved admissions which were exceedingly inconvenient and disagreeable to the friends of her Majesty. Mr. Brougham, whom his situation rendered her natural defender, rose, stating, that he differed entirely from his right honourable friend in the view which he had taken of this unfortunate subject, and it was quite new to him to learn that any Parliamentary recognition, and much less any mode of speaking in Parliament, or that any ceremonial of the church was at all essential to make out the title of a Queen, or to vindicate the rights appertaining to that character. According to his understanding of the constitution, she who was the wedded wife of a King regnant, was *eo ipso*, Queen-consort; and her claim to that title was undisputable as that of the King himself. It was not the less so because she was prayed for in no liturgy; or because her name appeared in no order of council; or because no addresses

either of condolence or congratulation were presented to her. As little could she be affected by the noble lord preferring to call her a high personage, rather than to describe her by the title to which she had succeeded. Mr B therefore conceived there was nothing to prevent the advance of money to her Majesty upon the civil list, even though her name should not be introduced. He must, at the same time, state distinctly, that he was wholly unacquainted with any grounds of suspicion. He refused his ears to all such rumours; as long as she was the King's consort, he knew and should treat her only in the character of Queen-consort. He was wholly ignorant of any inquiries that had been instituted, he listened not to their reported results, nor would he suffer his mind to receive any sinister impressions. But if a charge should ever be brought forward; he would deal with it as became an honest member of Parliament; and he would endeavour to do justice between the parties most concerned; though, God knew, they were not the only parties that were concerned. Until that moment, big with importance, with unspeakable importance to the parties, with an importance of which those who were ignorant of the case could form no conception—until, he repeated, that moment should arrive, his lips were sealed. The House might, however, in justice, reflect—in justice to her whose character had been so freely dealt with on one side, and whose name even had been suppressed on the other, and without forming any premature opinion—that, throughout the whole period of her past tribulation, she had never been slow either to meet or to repel accusation. It was not, therefore, too much to give credit to her now, for having the same alacrity in under-

taking, and the same facility in making good, her defence. Never was there a question in which temper and moderation were so indispensable; the voice of party ought to be extinct: for no man could calculate the consequences which might follow.

Notwithstanding this, when the vote came under discussion, Mr Tierney demanded how, under this vote, provision could be made for the Queen. The Chancellor of the Exchequer observed:—If the demise of his late Majesty had not taken place, an annuity, under the act of Parliament, would have been payable as to the Princess of Wales; and the resolution now before the House will undoubtedly empower the Treasury still to continue that payment to the individual.

Mr Tierney.—In the first place, I totally deny the power to grant this annuity; because the grant depended on the life of the King. It stood on a particular footing; it had reference to the continuance of the King's life, and was not attached to the particular person whose rank would be affected by that event. Besides, who is to receive this annuity? There is now no such person as the Princess of Wales. If they intended to grant to her Majesty that which had previously been conferred on the Princess of Wales, words to that effect ought to be introduced; and if the right honourable gentleman advances one penny, under the authority of that resolution, for the service adverted to, he will be guilty of a great offence against the House of Commons. The Chancellor, however, insisted in reply: An alteration of station cannot divest the individual of a local and personal interest in the grant; and therefore the annuity will be payable to the individual, under the authority

of the House, although her political situation may be changed.—But Mr Tierney retorted: She has ceased to be Princess of Wales; there is no such person. Now, then, I ask, can this resolution grant an annuity to an individual not originally in the contemplation of Parliament? I know the right honourable gentleman must not mention the word Queen. I am quite aware of that. I should be very glad to hear the right honourable gentleman use the word, and I should be still better pleased if I could get him to record it on the journals.

The two honourable members thus continued to reassert their respective positions, while Mr Hume urged: What reason is there, I wish to know, for not stating specifically, that the annuity formerly granted to the Princess of Wales shall in future be paid to her Majesty the Queen? By such a statement the objection of the right honourable gentleman will at once be obviated. Mr Lushington endeavoured to shew, that this, in point of form, would render necessary the insertion of the names of all the other persons concerned; and after all this skirmishing, no opposition was finally made to the vote.

On another ground, these votes were the subject of a pretty serious discussion in the Upper House. Lord Lauderdale contended, (February 24) that the granting of sums by the Commons, which could not be appropriated, nor consequently come before the Lords during the present Parliament, was a manifest breach of their privileges; and, unless noticed in some shape or other, would form a most pernicious precedent. He perfectly well knew, that when sums were voted in a committee of supply, it was the practice to apply certain portions of the money so voted to particular purposes; but then, this was

always done under the supposition that the application would appear in the act of appropriation; and thus, before the close of the session, be brought under the consideration of both Houses of Parliament. A resolution for supply, voted by the House of Commons, if not followed up by an act of appropriation, was, in fact, only so much waste paper. But the present was a very peculiar case; for this and the other House of Parliament had been informed that a dissolution was about to take place. The resolution was adopted in one House of Commons, and the appropriation was to stand over to another Parliament. The vote was not for services that might be expected to come under the cognizance of Parliament in the regular course of business, but for payments which were to cease on the demise of the King. Among these payments were several pensions and annuities, one of which was 35,000*l.* a-year to the Princess of Wales; but the resolutions bore that these sums should be paid to the Prince Regent himself, although they were granted for other persons. He complained that the other House of Parliament, knowing that those annuities were to expire on the demise of the Crown, thought fit to say, on its own authority, that they should be continued. The message requested them to adopt the necessary measures for expediting the public services. The House of Commons certainly took the quickest mode of doing this; but in accomplishing their purpose they had broken through every rule in proceeding to do that by a resolution which could only legally be done by Act of Parliament.

The noble lord finally read three resolutions, arising out of his views on this subject. The first, merely enumerated the money votes which had been passed by the Lower House.

“Resolved—That the Commons House of Parliament, informed by His Majesty’s message of the intended dissolution of Parliament, have, in these resolutions, attempted to appropriate money to be paid for services subsequent to the dissolution, which can only legally be effected by an Act of Parliament appropriating the supplies voted; and that they have further, in a most unprecedented manner, assumed the power of providing for, and authorising the payment of, certain pensions and annuities, subsequent to the dissolution of Parliament, which by law are declared to be at an end.

“Resolved—That under these circumstances, we feel it our duty to declare, that though we regard these proceedings as derogatory to the privileges of this House and of Parliament, yet we are induced, by a sense of the state in which public business is now placed, to forbear from any immediate proceedings, and to declare that we will concur in indemnifying those who may pay money, or otherwise act under these resolutions, which we must nevertheless deprecate, as threatening the subversion of the best and wisest principles of the constitution of our country.”

Their Lordships would see, that in proposing these resolutions it was by no means his wish to embarrass in any degree the measures of Government, but merely to enter a protest against the proceeding which had taken place being hereafter drawn into precedent. He concluded by moving the resolutions.

The Earl of Liverpool was certainly ready to admit, that the resolutions moved by the noble earl were consistent with the description he had given of them in the conclusion of his speech. They were well drawn up, as to his view of offering no ob-

attention to the progress of public business; but, at the same time, they contained a censure on the other House of Parliament, which, before their Lordships could admit, would induce them to pause, and consider whether anything had been done by that House, which was not fully warranted by precedent and practice. There was an important distinction between granting money, and appropriating it when raised; but into this distinction the noble earl had not entered. No money, either in the shape of a tax or a voluntary contribution, could be granted except by an Act of Parliament, but in cases of supply the practice of Parliament was to be very liberal. Nothing was more common than to grant for specific services, sums from money already voted. If the noble earl extended his objection so far as to say, that no money ought to be granted without an Act of Parliament, that might be a matter of consideration, though the practice was otherwise; but if money were to be applied in the usual way, he could see no real practical difference, whether the appropriation was sanctioned by an Act passed in this or in the next Parliament. What was the nature of the resolution complained of? It was not raising money, but making it lawful to issue, out of money already voted, sums for certain services until Parliament should open. This was not levying money on the subject, and in that lay the chief distinction. At the same time he was not unwilling to meet any fair proposition on the subject, for removing the scruples of the noble earl, if he were up parts of the resolution which could not seriously be intended to be pressed. Before their Lordships could agree to resolutions censuring the other House, they must be assured that there had been a departure from the usual practice, but no such thing had been shewn. He would therefore propose,

that, after the first resolution, words should be inserted, stating in effect that this House was induced, in consequence of the state of public business, to acquiesce in the payments voted by the House of Commons, though no act of appropriation had been preferred, or had come before them.

Some fresh observations were stated by the Marquis of Lansdowne, who considered their present situation as one of the evils arising from the gross act of inadvertency, to call it by no worse name, of which ministers had been guilty, in calling upon Parliament to deliberate on its own dissolution. The Earl of Donoughmore, however, declared himself satisfied with Lord Liverpool's amendments, which were agreed to without a division.

The only other measure which excited much interest in this concluding portion of the session, lay in the penal steps proposed against the boroughs convicted of bribery—Barnstaple, Grampond, Penryn, and Carmelford. The lead in this affair was taken by Lord John Russell, who observed, that as it was intended to take care that the civil list, and several other matters, should not receive any detriment from the dissolution of Parliament, he hoped that the House would be equally anxious to protect their own privileges, by directing that new writs for members to serve for certain boroughs in the ensuing Parliament should not be issued. For this proceeding a precedent was to be found in an Act of the 15th of George III, cap. 30, which related to the borough of Shaftesbury. That Act set forth, "that there was gross and notorious corruption practised in the election of members for that borough—that the House had, from time to time, ordered the issuing of a new writ to be suspended—and, as a pro-

rogation was about to take place, it was enacted that the writ should not be issued, until after that prorogation had expired." He proposed to extend this principle to the dissolution of Parliament. There evidently was considerable analogy between the two cases; and it had been held, that, where an impeachment was prosecuting, a dissolution of Parliament did not affect the proceeding more than a prorogation.

Lord Castlereagh, without objecting to the principle of the Bill, suggested some difficulties which would occur in its passage through the Houses. He had traced the progress of the Shaftsbury bill through the House of Lords, and he found that a message was sent to the House of Commons, requiring that all the information which had been laid before the House, and which induced the House to pass the bill, should be submitted to their Lordships. On the consideration of the evidence in that case, the bill was agreed to. Now, the proceedings of the Committee on the Grampound election were more grave and serious than those connected with the Shaftsbury case; and they must be aware, that if they sent this bill up to the other House, their Lordships would demand all the information on which it was founded.

Mr Wynn, however, strongly supported the bill, observing, The noble lord (Castlereagh) said he would consider this question, if it came before a new Parliament, whether an election of members did or did not take place in these boroughs, as exactly in its present state, and that Parliament, under these circumstances, might still exercise the same plenitude of power as it now could with respect to them; but the noble lord must feel how strong the argument would be against such a proceeding: after a general

election had taken place, and no corruption, in the course of that election, was proved against those boroughs, they might continue as corrupt as ever. But they would take very good care, on such an occasion, to keep their corruption completely out of sight.

When, however, on the 21st February, the second reading of the bill was moved, it was opposed even by several whig members. Mr Calcraft could not give it his support, because he thought it would be something like imposing upon the country, to hold out to it any expectation that the House of Commons was in earnest. It was too much to expect that the House of Lords would not throw out the bill for withholding the writ in four cases, when in regard to one only, Barnstaple, it had any information or evidence before it. With regard to Grampound, Penryn, or Camelford, it had not a tittle of information. An address to the throne, praying that writs might not be directed to the boroughs enumerated, was the true parliamentary course of proceeding. To this, Mr Wynn replied: If the House should address the Throne for such a purpose, it would be a recognition of the right of the Crown at any time to suspend the sending of writs to any county or borough. Mr Marryat argued: As to the danger of allowing the writs to be re-directed to places like Penryn or Camelford, he could not discover any: half the voters of Grampound were now suffering in gaol, and two members were also enduring the heavy punishment of the law for corrupt practices. Surely, then, they would now, if ever, take warning, and not repeat their offences: and if he were called upon to point out boroughs in the kingdom where the elective franchise would be exercised with the



greatest purity, he should point out the very places enumerated in the bill before the House.

Mr Brougham, considering the extreme importance of such a measure as the disfranchisement of four boroughs, thought that it ought to be deliberated upon more calmly, and upon fuller evidence. It might be right, or it might be wrong, to disfranchise, when they should be more prepared, and when evidence respecting the four boroughs should be before them; but when they were not prepared for the disfranchisement, he asked, was it right to deprive those boroughs at the dissolution, *pro hac vice*, of their elective franchise? He had no such sanguine expectations as Mr Marryat as to the amendment of the offending boroughs. At the same time, in justice to his own feelings, and to his observation of feelings out of doors, as well as in that House, he would say, that some exertion of the clemency of the House ought to be extended to a person whose punishment might be just, but was not very lenient. Two years' imprisonment at their instance, was not a lenient punishment upon one of their members. Oh, he was not a member—he meant then Sir Maffinch Lopez. With this person he had had no acquaintance, he knew not his face, and he was not disposed to say he had not been guilty of corruption; but, however culpable he might have been, and however correct his conviction, their separating without doing something to shew that there was on their part no impediment to the extension of royal clemency, he thought would be too hard and too severe. He was 68 years of age. Two years' imprisonment was a most severe punishment upon such a person for an offence, which he would not palliate—it was an offence, grave and serious, against morality, against the consti-

tution of the country, against the privileges of that House, but it could not be said to be extremely rare.

Mr Scarlett, entertaining, as he was well known to entertain, the highest respect for his learned friend's opinion, could not agree with him in his view of this question. The offence was one, not only against morality and law, but it was a corruption of the very source of all that was dear to us as our rights and privileges. Sir James Mackintosh also argued for the bill, remarking, if they called upon the Lords to unite with them in disfranchising those boroughs, without hearing and examining evidence for themselves, they would be guilty of an invasion of their constitutional liberties. But they did not so by this bill; they only called upon the other branches of the legislature to give faith and credit to them, that the investigation, in the state it was now before them, would afford sufficiently strong evidence, in their opinion, to justify the suspension of writs, till final measures could be deliberately adopted.

The measure not being opposed by Lord Castlereagh, who admitted that there was a *prima facie* case against these boroughs, passed through the House of Commons without a vote. When, however, it appeared in the Lords, a petition was presented from one of the boroughs to be heard by counsel against it. As the delay attending such an arrangement would be fatal to a bill which must pass immediately or never, Lord Carnarvon strongly opposed it: If their Lordships did not pass the bill, their decision would be a condemnation of the practice of suspending writs, which had been followed by the House of Commons for half a century. No injustice would be done to the electors of these boroughs by passing the bill. They would only con-

tinued until the meeting of Parliament in the same situation in which the House of Commons had placed them, and in which, had it not been for the dissolution, they must have remained until the decision of the great question at issue took place. It was impossible to look back upon the proceedings of the House of Commons without feeling the warmest approbation of the measures taken by that House to extirpate a system of corruption which disgraced the representation of the country. A young nobleman, actuated by those principles which distinguished his family, and did honour to the name of Russell, had been active in his endeavours to remove this stain from the constitution. He brought in a bill to transfer the franchise of one of these convicted boroughs to Leeds. When this was proposed, one minister of the Crown hailed the measure with his approbation, and the other ministers in the House of Commons gave the bill their silent assent. What then must be the feelings of the country when it should appear that the ministers of the Crown in the House of Lords put their chilling negative on the measure? Were it to happen that all the ministers of the Crown in the Commons supported the present bill, and that all the ministers in the House of Lords opposed it, the contrast would be singular. It was only proposed to hold these boroughs to bail for a period not exceeding 53 days.

Lord Liverpool expressed an opinion equally decided on the opposite side. If a case of corrupt practices was made out against a particular borough, he thought it would constitute a fair subject of inquiry in Parliament how it ought to be dealt with, and whether it ought not to be deprived of privileges which it had abused. But the question now be-

fore the House was very different. It was—whether the House should disfranchise a borough not proved to be corrupt, or suspend its rights without inquiry and without evidence. The case of Shaftsbury was not at all analogous to what was now proposed to be done. The House of Commons in that case suspended the writ during a prorogation. The House of Commons might be right or wrong, and their Lordships should not surrender their right of inquiry.

The Lord Chancellor argued with equal force against a bill, which required their Lordships' consent to a measure that would suspend the rights of the boroughs in question, without inquiry or evidence. Counsel ought to be heard, and the House ought not to agree to the bill without investigation. Their Lordships had been called upon to consult the feelings and interests of the public by passing this measure; but they would best consult their interests by attending to the claims of justice. If they did justice to their country, their country would ultimately do justice to them. The House of Commons did not decide on the question of depriving a single member of his seat without examining evidence upon oath; but here boroughs were to be disfranchised (or at least were to have their rights suspended) without any evidence at all. Evidence could not now be heard at their Lordships' bar; but he would not consent to suspend the rights of the subject on any thing short of evidence upon oath.

The determination to hear counsel rendered it, as the Chancellor admitted, impossible to go through with the bill during this session; so that, on the motion of Lord Lauderdale, it was disposed of by an adjournment of a fortnight.

On the 28th February, Parliament was dissolved by commission, in con-

sequence of his Majesty's indisposition. The Chancellor read the King's speech, of which the following is the only important paragraph;

"We are commanded to inform you, that in taking leave of the present Parliament his Majesty cannot refrain from conveying to you his warmest assurances of the sense which his Majesty entertains of the important services which you have rendered the country. Deeply as his Majesty lamented that designs and practices such as those which you have been recently called upon to repress should have existed in this free and happy country, he cannot sufficiently

commend the prudence and firmness with which you directed your attention to the means of counteracting them. If any doubt had remained as to the nature of those principles by which the peace and happiness of the nation were so seriously menaced, or of the excesses to which they were likely to lead, the flagrant and sanguinary conspiracy which has lately been detected must open the eyes of the most incredulous, and must vindicate to the whole world the justice and expediency of those measures to which you judged it necessary to resort, in defence of the laws and constitution of the kingdom."

## CHAPTER IV

## NEW PARLIAMENT.—FINANCE.

*Meeting of Parliament.—The Speaker.—The Addresses.—Droits of Admiralty.—Settlement of the Civil List.—The Estimates.—The Budget.—Scots Baron of Exchequer.*

THE month of March and part of April were occupied by the elections, which were carried on throughout the kingdom with eager activity, though without that excess of violence which had marked some scenes in the former election. The result produced a Parliament not differing materially in its general character from the one which preceded. A small addition of numbers was supposed to have been gained by the party opposed to ministers.

The new Parliament held its first sitting on the 21st April. The business on this day was confined to taking the oaths, and in the House of Commons to the re-election of a Speaker. This last proceeding gave occasion to very warm testimonies in favour of the ability, integrity, and strict regard to the constitutional privileges of Parliament with which the functions of that high office had been performed by the individual (Sir C. M. Sutton) who now held it.—Sir W. Scott observed: It could

not be denied that, composed as this House was of gentlemen selected from the various component parts of society in the united kingdom, many were to be found in it, whose talents, acquirements, and general merits; would afford a fair prospect of a successful discharge of the arduous duties of Speaker. Here, however, it was fortunately not necessary to hazard any speculation, however promising: past services, and tried and demonstrable abilities—abilities not confined to the mere discharge of what might be termed the dry duties of the office—had commanded not merely the approbation, but the admiration, of every member who had witnessed their employment. Mr Holme Sumner added: When it was recollected that the education of that right hon. gentleman had been directed to the laws of his country, and to the principles of its inestimable constitution, that alone formed a high claim to the suffrages of the House; but after it had been seen in how short a time after he had

been first elevated to the situation of Speaker, three years ago, he had appeared to have deeply studied the laws and rules, and investigated the principles by which the proceedings of the House were regulated; after the readiness he had displayed in the discharge of every point of duty, it would have been supposed, by those unacquainted with his previous history, that he had made the subject the diligent occupation of his life.

Lord Castlereagh then said: From the manner in which the proposition of his right honourable friend had been received, it was obvious that the House was anxious to bestow on the individual now appointed to preside over its discussions the highest mark of its approbation and confidence: and there could be no such mark in this free country more distinguished than that of being rendered the first commoner of the empire. The office of Speaker included many important duties connected with the jarring interests of this mighty empire, while Parliament was devoting its attention to promote its welfare and prosperity. It was no small satisfaction to have now placed in the chair an individual by general consent so capable of fulfilling the arduous task imposed upon him—so competent to guide the House in its deliberations—to preside over those discussions in which the best interests of the state were engaged, with manly fortitude, and to enforce with firmness and wisdom those rules and forms so essential to the privileges of Parliament, and to the maintenance of the real liberties of the subject.

Mr Brougham, from the opposite side of the House, echoed the same sentiments. He took the liberty to congratulate first the Speaker, but most of all the House itself, and, not less than the House, the whole Commons of England, upon the free choice which had now fallen, for the third

time, upon the same individual. It was a matter of most sincere congratulation to the House and to the country, that it had again the inestimable benefit of having the chair filled by one who had shewn himself, in all the more important, as well as in the less material parts of the functions of his situation, eminently gifted for their discharge; who had upon every occasion proved that he was indeed the depository of the truest dignity of the House, by wearing the honours conferred upon him both with firmness and meekness.

These first preliminaries being adjusted, the formal opening of Parliament took place on the 27th April. The King, in his speech on that occasion, besides the regular topics, noticed the acts of violence which had, in some districts, been caused by the machinations of the disaffected. He expressed his satisfaction at the promptitude with which these attempts had been suppressed by the vigilance of the magistrates; and extolled the wisdom and firmness manifested by the late Parliament, with the happy effects which they had produced; and deploring the distress which still unhappily prevailed among the labouring classes, he pointed out the duty of guarding against those practices which could only tend to aggravate it, and defer the period of relief. He trusted that an awakened sense of the dangers incurred would recall the greater part of those who had been unhappily seduced, and revive in their hearts the spirit of loyalty and of attachment to the constitution.

The important and delicate subject of the settlement of the civil list was alluded to in the following terms:

“The first object to which your attention will be directed is the provision to be made for the support of the Civil Government, and of the honour and dignity of the Crown.

"I leave entirely at your disposal my interest in the hereditary revenues; and I cannot deny myself the gratification of declaring, that so far from desiring any arrangement which might lead to the imposition of new burdens upon my people, or even might diminish, on my account, the amount of the reductions incident to my accession to the throne, I can have no wish, under circumstances like the present, that any addition whatever should be made to the settlement adopted by Parliament in the year 1816."

The address was seconded by Lord Granville and Lord Howard of Effingham in the Lords, and by Sir E. Knatchbull and Mr Wilmot in the Commons. These speakers generally began with a warm panegyric on his late Majesty, whence they proceeded to point out the good omens which might be drawn of his successor from the determination expressed to imitate the example of such a father, and also from the handsome sacrifice of his own pecuniary rights and interests which his speech had announced. After this, the distresses of the country, and the disturbances to which they had given rise, formed the most prominent feature. Lord Granville observed: At the end of the last century, when the demand for labour far exceeded the supply, the labourer not only obtained higher wages than formerly, but, comparatively speaking, had it in his power to enjoy luxuries. It was not then surprising that the labourer should severely feel the difference which the change of circumstances had produced in his situation. It was therefore matter of compassion rather than of anger, that men so situated, and necessarily ignorant with regard to great questions of policy, should be disposed to attribute their sufferings to causes quite foreign to the real ones, and should wish to resort

to remedies incapable of affording them any relief. There was another circumstance which distinguished the present from all former periods, and which could not be overlooked in any view of the state of the country—he meant the great diffusion of education. This was regarded as one of the greatest advantages of the present age; but, in making this admission, it must at the same time be allowed, that it afforded an opportunity for the dissemination of dangerous doctrines; and when men in a state of the greatest distress, were daily told that all their sufferings were owing to the Government, and that its overthrow would relieve them, they must be sanguine indeed who could suppose that the constant inculcation of such doctrines made no impression.

Sir E. Knatchbull represented to the House, that, if it was their intention to support the constitution, they must support it by checking the principles of disaffection which had been so industriously diffused. The constitution of this country was a system which imposed on the people no restraints but such as were necessary to the well-being of the community. But if the character of the country was in danger of being changed, and if a system of immorality and disaffection was undermining the fabric of the constitution, it became the duty of Parliament to interpose, and apply a check to the growing evil. In alluding to the present disturbances, he meant not to lead at present to any discussion on the subject; but he thought that no man, whatever might be his principles, would deny that it was the duty of that House to compel obedience to the laws. In his apprehension, nothing beyond this point was desirable. It was neither necessary nor desirable to impose any severe restraints on the people, but merely to enforce those

salutary laws which were already in existence.

Mr Wilmot was convinced that the House would give the present state of the country its most anxious attention; but he should be merely aiding the prevailing delusions, if he expressed any opinion but that the distresses could only be removed by the slow but certain process of time, which would invigorate the great sources of wealth, for a moment in some degree exhausted. Notwithstanding unfavourable appearances, there was every reason to anticipate, that at no distant period the real and practical blessings of peace would be enjoyed by the whole people: the prosperity and happiness of the community at large depended upon its sobriety and industry, and he trusted that a conviction of this truth would soon supersede the false and injurious notions at present prevailing among a great body of the manufacturing classes.

The address was received by the opposition members in a manner uncommonly favourable. Earl Grosvenor said, on such an occasion as the present, at the commencement of a new reign—when his Majesty had been in the House for the first time since his accession—when he had addressed to their lordships his first speech—it was desirable to avoid the introduction or the discussion of any subjects which might lead to a difference of opinion. It was in every respect to be wished, that the first address to the throne from the first Parliament of his Majesty's reign should be adopted unanimously, and, to be unanimous, it was desirable that no discussion should be provoked on subjects likely to create disunion. Entertaining this wish, he must give ministers praise for the manner in which they had worded the speech. They had

abstained from the mention of any topics that were likely to divide the House. Therefore, as the speech and the address were such as to meet with his general approbation, he should have great satisfaction in saying "Content." He objected, indeed, to some parts of the speeches made by the movers of the address, particularly the insinuation which appeared to be made by Lord Granville, that the diffusion of education among all ranks of the community could be dangerous to any, or that a system of education like that followed generally in this country could be pernicious, or could create mischief.

The Marquis of Lansdowne followed in the same tone.—Whether he considered the nature of the topics introduced into the speech from the throne—whether he considered that this was the first time that his Majesty had addressed their Lordships in this House—or whether he adverted to the various important and painful circumstances connected with the situation of the country, and recent events—he saw abundant reason for wishing as great unanimity as possible to prevail on the present occasion. He therefore solemnly declared, that he felt the greatest satisfaction in being able to concur in the speech and the address, and in not being compelled, from duty or policy, to make the least opposition to it. It was with peculiar pleasure that he saw a disposition to set a noble example from the throne, of that economy which he had recommended—an example which he hoped would be followed as zealously, as sincerely, and as extensively as possible by the King's ministers in all the other branches of the public expenditure. The magistrates of the country had on late occasions discharged their duty manfully, firmly, and ably; and, he might add, still more the ju-

ries. He was the more induced to mention them with merited praise, as not many months ago it had been said in that House, that they were reluctant to give verdicts; and it had been insinuated that they favoured the bad principles of which they would not authorize the punishment. They had nobly replied to that insinuation. He meant to allude to no particular verdict when he said that they had shewn themselves equally unawed by the power of the Crown or the influence of popular feeling.

Lord Holland, though he forebore any positive opposition, did not quite equal the courtesy of his two predecessors. If he concurred, as he was disposed to do, in this address, he must not be supposed to pay any compliment to the wisdom and energy of the last Parliament, or to retract any thing which had been said on certain subjects by noble lords on his side of the House. He conceived that some of the last acts of the late Parliament had been productive of nothing but mischief; and, if there was any improvement visible in the country since then, which he hoped might be found to be the case, it was by no means to be attributed to the operation of those acts.

In the Commons, Mr Tierney expressed his satisfaction at the fair, cool, and temperate tone taken by the mover and seconder of the address, and his entire concurrence in a great part of what had fallen from them. He congratulated the House on the prevailing unanimity: he hoped it was an earnest for the future, and that all parties in the House would unite in the expression of unshaken loyalty to the crown, and of a firm determination, while the true liberties of the people were supported, to set themselves honestly and steadily against those machinations alike directed against the happiness

and security of the Sovereign and his subjects.

The only discordant note was struck by Sir Francis Burdett, who complained of the want of courtesy shewn in not pursuing the wholesome practice of former times, when the speech was read from the cockpit on the day before the meeting of Parliament; they had thus leisure to deliberate on the subject. It appeared to him most extraordinary, especially in these times, to expect that members should, at the very first hearing, agree in whatever sentiments ministers thought fit to put into the mouth of the Sovereign. When a younger man, and when first this new practice was introduced, he had proposed on one occasion, that the consideration of the speech should be adjourned to the following day; in the present instance, however, he should be sorry even to make that proposition; but he begged, while he consented to the compliment on the commencement of a new reign, to guard himself against being supposed to concur in any of the sentiments of the address, excepting those of congratulation and condolence—in short, in any thing that was not matter of mere and absolute form.

The address was carried *nem. con.*

In the course of this debate, some interesting conversation took place between the Marquis of Lansdowne and Lord Liverpool, on the subject of the existing commercial restrictions. The former nobleman sincerely hoped that our prohibitory system would soon be brought under the view of the legislature. While he indulged this hope—a hope entertained and indulged by others, it ought to be recollected that great firmness would be necessary to effect any change; that the application of general principles to our system of commerce, must be a work of great delicacy and



difficulty; that many partial interests must be encountered as obstacles; and that much immediate and partial distress must be incurred to establish a broad, general, and permanent system of national advantage and commercial freedom. To effect this, nearly as much courage and firmness would be requisite as in encountering the other difficulties of the country. Firmness, however, for that duty, he hoped, would not be wanting in the King's ministers—firmness, he hoped, would not be wanting in the Legislature; and he (Lord Lansdowne) pledged himself, whenever a relaxation of commercial restrictions—a great relaxation—was brought forward, he would lend it his utmost support.

To these observations Lord Liverpool returned a very guarded and cautious reply. This was a subject to which he and others of his Majesty's ministers had given no inconsiderable degree of attention. His own opinions upon it were well known to many most respectable individuals in the city, and he should be prepared to declare them to their lordships whenever an fit occasion offered. At the same time he wished to guard their lordships, and those more immediately concerned, from any delusion on the subject. As to whether more good or more evil resulted from the operation of the present system, he would not now say, but perhaps, in some of the general principles respecting it, he did not differ from the noble marquis, though they might not agree in the minor detail. Not that by this he meant to convey that something might not be done, and some alterations might not be made; but then lordships would admit, that it was a subject which should be approached coolly and dispassionately, and that too much should not be expected from its first agitation.

As soon as these customary preliminaries were adjusted, it was understood that the first and most important object which would occupy the attention of the new Parliament would be the settlement of a civil list. It was the established usage of England, that, at the accession of a monarch, the amount of this branch of revenue should be settled for life. This arrangement, however, could not well, and in fact did not, bar any augmentation which might become necessary during the altered circumstances of a long reign. In fact, the great rise in the value of all commodities, which took place during that of George III., could scarcely fail to occasion continual arrears, and to call for successive additions. These, however, were not granted without serious murmurs and disputation. In 1815 and 1816, a strict investigation took place into all the departments of the regal expenditure; and an amount was fixed, somewhat augmented indeed, but applied under such rigorous checks as seemed to secure against any future misapplication. The result was, that under this new system, the accumulation of arrears ceased; the revenue was found sufficient to cover the expenditure; and the King in his opening speech could announce, that he asked no more than had been enjoyed by the Crown for the last four years. A statement so unusual was expected by ministers to diffuse general satisfaction, and to shut the mouths of their opponents. The latter, however, were too much on the alert, to lose this opportunity of probing into certain anomalies, which, though sanctioned by long usage, appeared inconsistent with that rigid control to which it was now proposed to subject this branch of the public expenditure.

In consequence of a motion of Sir Henry Parnell, on the 3d May, the

report of 1815 on the civil list was ordered to be reprinted. Mr Tierney, however, seemingly with some reason, treated this measure as very nugatory, since the question would be set at rest before gentlemen had that report in their hands. They were to decide first, and have the report afterwards.

As a supplement to this proceeding, Mr Hume moved a return of the expenditure from the 5th January 1815, to the 5th January 1820. He was particularly anxious that the payments should be classified. No less than an expense of 600,000*l.*, totally exclusive of the civil list, was incurred by the civil expenditure. From the accession of his late Majesty, up to the period to which the report of 1815 extended, the money voted by the House of Commons, in aid of the civil list, amounted to 53,000 000*l.*: but nearly 9,000,000*l.* had been paid from the consolidated fund, on account of items separated from the civil list, and, strictly speaking, forming a portion of that list at the accession of George III. They could not, therefore, know what the exact amount of the civil list was, unless they had before them the six classes into which the payments were divided. They would then be able to decide on the alterations that should be made. He considered it quite an anomaly that the right honourable gentleman who filled the chair should be paid from the second class of the civil list the sum of 1500*l.*, and that another source should be applied to in order to complete his income. The payment of the salary of every individual should be simplified. As the establishment of 1816 was formed on a scale the most extravagant that had been known since the settlement of the civil list, the House ought to inquire, whether the two acts, ordering

a return to be made to the House when any excess took place, had been complied with. He was not sure that such a return had been made, and he thought there could be no objection to its being produced.

The Chancellor of the Exchequer opposed the motion. The act of 1816 required, that, if there were an additional charge on the civil list exceeding the estimate by the sum of 16,000*l.*, an account of such exceeding was to be laid before Parliament. Now no such return had been made; and if the honourable gentleman thought that the Act of Parliament had been violated, let him bring his charge forward, and ministers would be ready to meet it. He was now prepared to say, that since the passing of the act of 1816 the issue had been regular, and no excess whatsoever had taken place. Mr Huskisson, moreover, urged, that the right of calling on ministers, under all circumstances, to produce accounts which the honourable gentleman seemed to think existed, was a new doctrine in Parliament. If there were no excess, (which must be inferred, as no return was made,) and if no demand were made for assistance, he could see nothing, consistently with the course pursued by Parliament at all times, that authorised the honourable gentleman to call for a detailed account of the application of those revenues which Parliament had granted for the support of his Majesty's household. The arrangement of 1816 accomplished that which had not been before accomplished. The regulations adopted at that period provided new checks, by which the whole expense of every department, in each class, was to be kept within the estimate agreed to by Parliament. It had been so confined; and that being the case, the honourable gentleman was in possession of

all the information that was necessary for any proceeding with reference to the establishment of a new civil list. Let him take the estimate as it now stood, and rest assured that the expenditure was kept within its bounds.

Mr Tierney indeed replied! They were not now dealing with a civil list actually in being—they were called on *de novo*, to make a civil list; and in doing that, his honourable friend asked for such information as would enable him to decide on what was proper to be given. His honourable friend wanted further information—he wished to know whether all the money granted to support the civil list had been expended. Parliament might have voted too little, or it might have granted too much.

Some farther conversation took place, in the course of which Lord Milton declared, he very much doubted whether the situation of the country was such as to justify the House in forming a permanent establishment at all. Such a revolution had taken place in the currency of the country, that no man could say what was the real value of a pound-note. But when the question came to the vote, it was negatived by a majority of 113 to 50. Several other motions of a similar nature met the same fate.

Mr Hume followed up these motions by another on the following day, respecting the revenues of Gibraltar. By accounts which had been laid on the table, it appeared, that a sum of 124,251*l.* had been sent over to this country in the course of the last sixty years, affording an annual receipt of about 2070*l.* for the same period, and had gone into the King's privy purse. The appendix to the third report shewed that the sum actually so received amounted, during the last four years, to 4032*l.* per annum. There could be little doubt, in his opinion, that the Crown was not authorised to

levy taxes for its own private use, by means of a colonial secretary; and that every individual so employed on the part of the Crown was guilty of a misdemeanor, as well as of a breach of the privileges of that House. According to the original charter in 1705, no duty or imposition whatever was to be laid on vessels or merchandize entering that port. This immunity was of great benefit to the trade of that place; and even in 1794, the amount of taxes did not exceed 4000*l.* It appeared very surprising, therefore, that it should now fall very little short of 50,000*l.* General Don had laid on taxes of his own authority, by mere proclamation. Mr H. complained also of prodigality in the civil government of the place, and of oppression to the Roman Catholic inhabitants.

The Chancellor of the Exchequer did not mean to oppose the production of the returns; at the same time he thought it unfair, in merely moving returns, to introduce attacks on individuals, of whose conduct the House had yet no means of judging. With regard to the right of the Crown to a revenue raised in Gibraltar, he apprehended, that, on a clear principle of the law of nations, the rights which were before vested in the Crown of Spain, were by conquest transferred to the Sovereign of Great Britain. He should, however, enter into no defence until the papers were on the table. Sir James Mackintosh urged, however, seemingly with reason, that he could not conceive any principle of the law of nations which bore out the assertion that the power vested in an absolute prince became, in case of conquest, equally vested in a king whose power was not absolute.

The papers were voted.

By much the warmest discussion, however, of those preliminary to the debate on the civil list, arose out of

Mr Brougham's motion relative to certain duties, particularly those termed the *droits* of Admiralty, which were held as the private domain of the Crown. Mr Brougham began with protesting, that nothing could be farther from his mind than any intention of compassing the degradation of the royal dignity, or even of abridging those rights which were the rights and privileges of the Crown, in any one the most minute point, not only of what might be deemed necessary in supporting its weight in the constitution, but of those also which were necessary to its dignity and just splendour. If at any one period of our history it would have been next to criminal to have endeavoured to deprive the executive government of that which was requisite to its own maintenance and honour—and without honour it could not be maintained—it would be altogether criminal to attempt such a measure in times like the present. He desired the support of no gentleman to the resolution with which he intended to conclude, but upon the previous performance of this condition by himself—that he should prove to the satisfaction of all who voted with him, that the measure he should propose was not only safe but expedient—that it not only did not degrade the Crown, but that it manifestly tended to augment its dignity. He then laid it down as an old and confirmed maxim of our constitution, sanctioned by the opinions of the greatest lawyers, both of the bench and of the bar, supported by the whole current of the most venerable authorities, that the Crown, as such, was incapable of possessing separate property. Mr B. then quoted examples to shew, that even funds to which the Crown possessed the most undisputed right, as treasure-trove, old stores, &c., could not be disposed otherwise than under the privy seal of

the realm. In this view he strongly condemned the Act brought in by Mr Pitt in 1799, by which the Sovereign and his heirs were enabled to have property, and to deal with it as their own. This act empowered the King not only to dispose of his crown lands, but to expend all the money he might be able to amass in the purchase of new property of all kinds, which, like a common private individual, he might burden or sell again at a profit—might give away in rewards to favourites—might dispose of even to enemies—or, *pro tanto*, setting the votes of Parliament at defiance, might defeat the whole system and policy of the constitution. It enabled him even to hold copyholds, and thus to become the tenant of his own subject. In ancient times, out of these funds belonging to itself, the Crown was bound to carry on various departments of the public service. Thus, for the *Droits* of Admiralty, which then included only wrecks, stranded fish, and other trifles, the King was bound “to keep the narrow seas clear of pirates.” An inevitable change of circumstances had thrown this, with other duties, upon the general revenue of the country. Yet, extraordinary as it might seem, though the King paid nothing towards the defence of his subjects nothing towards driving pirates from the seas, nothing towards the “tuition and good government of the realm,” (as it was worded in the statute of Henry VIII.) he still kept the whole amount of his revenues from the *Droits* of Admiralty, amounting in the last reign to no less than 13,700,000*l*. Contrary to the opinion of several of his friends, he thought a compensation due to the Crown; the strict letter of the law would here, in his opinion, be the height of injustice. He thought the mode of dealing with the Church of England in respect to tithes, a pec-

cedent which ought to satisfy many gentlemen. At present, he conceived nothing could be worse adapted, either for distinctness to its managers, intelligibility to the public, or for the real comfort, honour, and dignity of the Crown, than the whole method, if method it might be called, in which the civil list had been settled. Suppose any man, not very well versed in the *minutiae* of finance, were asked how much the revenues of the King of England amounted to in a year, what answer could be given? Every body could tell what was the revenue of the French King, of the American President, or formerly of the Dutch Stadtholder; but as to the salary of the King of England, with which he supported the splendour and dignity of his Crown, no man who was not a perfect adept in finance could give any conclusive information about it. Had it not been for this system of obscurity and mismanagement, Payne could never have asserted that the King of England enjoyed 900,000*l.* a-year. Was it dealing fairly with the King to mix up with the little he was allowed (and a little it undoubtedly was) to defray his private expenses, and really to keep up his honour and dignity, the salaries of the Judges, the income of the Chancellor of the Exchequer and his friends, presents to foreign ministers, and a vast accumulation of claims and allowances to officers, great and small, of all sorts and conditions? But, cried the right honourable gentleman opposite, "to simplify matters in this way, to make accounts clear and explicable, would be beneath the dignity of the Crown." Admitting it for a moment, was there nothing to be gained by it—were popularity and the full approbation of the King's subjects worth no consideration? Supposing there might be some slight defalcation of dignity, was there no ad-

vantage in preventing great defalcations of a pecuniary kind, which had been perpetually occasioned by this absurd, confused, Gothic mode of keeping accounts? After all, where would be the loss of dignity, if the people told their Prince—"You shall be paid largely, liberally, cheerfully, without a murmur from the people, who well know that your interests and theirs are inseparably united—not as at present, but by a fixed, constant, determined grant out of the consolidated fund." That, in truth, was his (Mr Brougham's) proposition; but the Chancellor of the Exchequer, if his love for mystery, seemed to think that there was something sublime in obscurity. The misfortune for him, however, was, that we lived in a prying age, when men would not be satisfied with being told that they must not examine and scrutinize; and when they did inquire, they would find that, among the hereditary revenues of the Crown, the Sovereign did not think it below his dignity to have his revenue made up of one penny per barrel upon ale, and one halfpenny upon whisky. This paltry pittance was accepted in exchange for the great feudal relics of wardship and purveyance—the especial jewels in the crown of a feudal Sovereign—the gems that gave a glorious lustre to his ancient, real, and solid dignity. The dignity of the Sovereign appeared to him seriously injured by the company in which he was placed by the present arrangement. The ark itself did not contain a greater variety of beings than were to be found marshalled in the civil list. There was the Vicar of the Tower, with 1*l.* 13*s.* a-year; the Vicar of St Botolph, with 1*l.* 15*s.*; the Church-wardens of St John the Baptist, at 1*l.* 18*s.* Then there were the Master of the Field Sports, the Master of the Hawks, and the Master of the Ceremonies.

But not only were those who superintended the chase, the amusement of hawking, and the dance, paid out of the civil list; the expenses incidental to the keeping of wild beasts were also entered amongst the items. The keeper of the lions in the Tower was enumerated amongst the officers; and not far from him they would find the Gentleman Usher of the Black Rod. Next came the "*Eachquer matchmen*." It appeared to him most fallacious to fix the civil list for the life of the King. It might, in this instance, be a short life, which God forbid! It might be a long and prosperous one, which God grant! But, with this contingency before them, it was the greatest blunder that sensible men ever made, or could ever make, to come at once to a final arrangement of the Civil List. The House could be practically convinced of this fact. His late Majesty reigned for 60 years; and during that period, there were six new arrangements, besides eight different payments in aid of the civil list. It would appear that even nine years were too long for the continuance of this provident system. The arrangement of 1760 was made as if it were supposed that the monarch was to live only nine years; but in 1769 a debt of 8,000,000*l.* had accumulated; and in 1777 it was found necessary to grant 60,000*l.* more per annum. An arrangement for life could not proceed on any one conceivable principle. They should wholly separate from the Civil List the salaries of the Judges, the salary of the Speaker of the House of Commons—a situation that should be as independent as that of the Sovereign himself—and the payments made to foreign ministers.

Mr Brougham now undertook to state to the House how the sums which formed the Droits of the Crown accrued. Gentlemen supposed that

they were confined to Droits of the Admiralty; but they were greatly mistaken. There were other sources that placed large sums in the hands of the Crown. In 1817, the sum of 130,000*l.* fell to the Crown, in consequence of the demise of a rich lunatic—at least, so he understood. In 1807, an individual who had no heirs died intestate; his property, to the amount of 47,000*l.* went to the Crown. In 1816, the Crown got possession of 62,000*l.* in the same way. Other sums, much larger in amount, were supplied from different sources. In 1804, prize-money to the amount of 105,000*l.* was received on one occasion. In the same year there was another sum of 40,000*l.*, and a third of 55,000*l.* In 1806, those droits were augmented by 155,000*l.*; and at one period there came in nearly the whole proceeds of the Dutch prizes, amounting to 1,657,000*l.* From the Spanish condemnations the sum of 2,200,000*l.* was derived. He was far from blaming the House for having voted a loyal and grateful address to the King, in consequence of his having given 1,000,000*l.* to carry on the expenses of the war. But how would it have astonished our ancestors, if they had beheld the Monarch, instead of calling on Parliament to assist him with a tenth, coming down to the House as a giver and dispenser of money—as the benefactor of those from whom, according to the safe and sacred course of the Constitution, all money, for public purposes, ought to come! He alluded also to the revenue derivable from the Leeward Islands, from Gibraltar, from Scotland, &c. which amounted to a very large sum. How was it disposed of? In pensions. It was not under the control of Parliament, and might be expended as the reward of good services or bad services, or as the meed of favouritism, or for no services at all. If any

pension were necessary to be granted to a great naval or military character—to Earl St Vincent, to Lord Hutchinson, to Lord Nelson, or their heirs—was there an individual in that House who would not feel it to be his duty to recommend a grant to those gallant commanders, or their relatives? If such a proposition were made, it was sure to be carried. But there were many other cases; and Mr B. from his own side of the House instanced Lady Grenville, where a minister deemed it more advisable to screw a pension out of some fund over which Parliament had no control, rather than bring it under the consideration of the House. Mr B. then instanced with derision the case of Sir Home Popham, who, tiring of the inactivity of peace, had engaged in an immense smuggling transaction. His vessel, however, was taken by Commodore Robinson, and condemned in a competent court. Yet Sir Home had received, first 25,000*l.*, and then 50,000*l.*, out of these droits, as expenses of suit, and to console him under the disappointment. If these droits were dangerous in their application, their origin appeared to him ten times worse. They offered a temptation to the Crown to embark in wars, and though he did not believe that any Sovereign since Charles II. would be covertly swayed to engage in war by this motive, yet his aversion to it might be mitigated. But the chief danger appeared to him to arise from the regulation, that every prize made before a declaration of war became a droit of the Crown. The tendency of those funds was, to give ministers a direct interest in proceeding to hostilities before a declaration of war, and thus they lowered the honour and character of the country. These vessels were the purchase-money of the honour, the good faith, the pure and unsullied name of England.

He had only to refer to the Dutch war in the time of Charles II.; that war was undertaken for the purpose of seizing the Smyrna fleet—for which perfidious action Providence punished that Monarch, by overwhelming him and his ministers in discomfiture and disgrace. But, to come to later times, what did they think of the Dutch—what of the Spanish prizes? 2,200,000*l.* were acquired by attacking unarmed, defenceless men—men who knew of no reason for such a proceeding except that they had dollars on board their ships. At all events, every pretence would thus be taken from their enemies for slandering the nation upon this ground. As to the 4½ per cent on the native commodities of Barbadoes and the Leeward Islands, it had been granted originally for the building of forts, a prison, session-house, and other public charges. In Queen Anne's time, it appeared that a complaint was made to Parliament which that body listened to, and petitioned the Queen to restore the fund to its proper uses. Here it was lost sight of, till it was strangely found to have become the absolute property of the Crown, which now made it a fund for obscure pensioners of all descriptions. Upon the whole, Mr Brougham concluded, that if now, in opposition to the clear law of the question, in opposition to the constitutional view of its principle, in the face of numerous precedents of mischievous abuse derived from history—if now the House neglected the opportunity of wiping away a foul blot on the honour of the country, by giving up a vile relic of feudal barbarism, useless for any national purposes, and serving only as an occasion of calumny to our carping rivals and bitter enemies—if now, when this mischief could be done away, without injury to the Crown, and with benefit to the people, the House

should suffer the opportunity to be lost, it would, in fact, go the length of saying that these droits ought to remain for ever a lasting anomaly in the law and constitution, a perennial source of abuses, and a perpetual stigma on the character of the country.

Mr Canning stood up to oppose the motion. Any one who had merely heard the vehement close of the speech of the honourable gentleman, would have supposed it directed against some new assault of arbitrary power—some sudden encroachment of ministerial rapacity; but a person would have been much surprised to learn that the object was to propose an innovation, which, instead of relieving, tended to levy a new burden on the people. He could answer, however, both for the crown and for ministers, that they would reject the boon offered for selling the royal prerogatives. The proposition from the throne stated that no new burden was contemplated for the support of the civil government and of the splendour of the crown. It was ungraciously said, that though no new fund was wanted, yet it was the business of the House to see whether there was not something to take away. The honourable and learned gentleman had fairly, indeed more than fairly, professed his willingness to make compensation for all he should take away; so that the question, as far as his argument was concerned, was not one of diminution or retrenchment, but of bargain and sale, with the chance of inflicting further burdens on the people. With regard to the  $4\frac{1}{2}$  per cent duties, there was indeed some obscurity in their origin; but the usage of four reigns, during upwards of a century, established the existence of the property, and the custom and power of granting pensions on it. But it was said to be the evil of those uncontrolled funds,

that they enabled the crown to bestow secret bounties on obscure favourites. This was a singular character of a fund, one of the first names on which was the illustrious William Pitt, Earl of Chatham, and one of the last, Edmund Burke. Without discussing at present the right of the Crown to the droits of Admiralty, he would merely state the mode in which they had been administered. In the course of the late reign, the whole proceeds of this fund had amounted to about 9,700,000*l*. Out of this there had been paid to captors and for various law expences 5,372,000*l*. There remained, therefore, something more than 4,000,000*l*. to be accounted for. Out of that sum 2,600,000*l*. had been contributed for the public service; and two several sums had been given, one in aid of the civil list, the other of the  $4\frac{1}{2}$  per cent fund. The first of these contributions was 1,300,000*l*., the second 40,000*l*.; there remained, therefore, about 380,000*l*. to be accounted for. This sum had been paid partly in donations to different branches, and partly in entertainments to foreign sovereigns. The expenditure, however, of the whole, had been communicated to Parliament. It was part of the new arrangement that an account of every grant out of this fund should, as a matter of course, and without address, be laid before the House in every session, immediately after such grant. It was admitted that there had been no remarkable abuse of the fund in question: still it was urged, that Parliament would make a better application. "The honourable and learned gentleman," said Mr Canning, "states truly what he says of those on this side of the House, and what I would say were I where he sits; but I think it better that the patronage of the Crown should reward public services by property under its peculiar protection, than that



a democratic assembly should dole out largesses and favours according to the impulse and force of passion, party, or canvass. We have had instances enough, in our own memory, of what canvass can do. Setting on the one side the chances of favour, canvass, party, and inadvertency; on the other, the chances of extravagance, I do think the Crown the better trustee. The present state of the droits in consideration is sanctioned by long usage, if it is not stamed by abuse; and in the long period of 60 years the honourable and learned gentleman has put upon only one questionable case, and that case questionable only in the view which he has taken of it. I entreat of the learned and honourable gentleman not to concede anything to the moral character of the administration. I entreat of him not to concede anything to the character of the existing Sovereign; and, in a constitutional view, nothing of this kind ought to be conceded. The honourable and learned gentleman spoke properly of Charles II. for a king once departed from life is fair subject of annadversion. But I ask him whether, on the average virtue of kings and ministers, if you place four millions—and that is beyond any case that can be imagined—if you place four millions against all the evil, the danger, and the disgrace that must overwhelm them when the proceedings, perhaps in twelve hours after, becomes known to Parliament, I ask, whether, in such a case, any administration would rush into war? I ask whether, in times such as we live in, for the sake of any haul of droits—I do not say the sovereign—I do not say his ministers—but whether the vilest mind that ever meddled with public affairs, or contemplated public administration, could recommend a wanton and unjustifiable war? The only other argument

that could be employed was, that every vestige of feudal monarchy would thus be removed. But though a plausible constitution might be established, and one that would look well upon paper, he could not consent to see the monarch thus stripped naked, and every trace of antiquity done away with. Even this would not satisfy a certain class of politicians. Mr B himself admitted that he had not made up his mind whether the insulated king should have the control of his own household; whether the various items of charge in that department should be audited by a committee of this House, or by the King himself. If the household were not given up to his Majesty's management, the civil list could be quoted and exposed to much greater ridicule than the honourable and learned gentleman had thrown upon the part he had selected. Unless the monarch should be put on board-wages, and should dine in a chop-house, they must come to the monstrous conclusion that there would be more dishes on his table than he absolutely required. When he had entered that House, he had expected something more practicable from the honourable and learned gentleman than a proposal to strip the crown, at one sweep, of all that adorned it since the Revolution; to divest the King of his peculiar power and privileges; to make the civil list less involved by making it entirely new. When nothing was demanded, when the sovereign—he would not say consented—declared that he would receive with gratitude and satisfaction the civil list that had been abquiesced in for four years—when this declaration was made, when the sovereign expressed himself satisfied, and declared that he would have no reduction made upon any sums falling into the country—what was the return? “Ay, but you have other funds, and

we wish to have them taken from you; we wish you to be a king after a new fashion; we require your allowances to be limited to your physical wants; we desire you to rival the President of America."

Sir James Mackintosh expressed his sense of the disadvantage under which he spoke, after the great and powerful speech of the statesman and lawyer who had introduced the subject, and after the eloquence, which he could not hope to rival, of his right honourable friend who had just sat down. He did not despair, however, of replying to its arguments. He could see no ground for that derived from the reverence for feudal monarchy and Gothic government, the charge of stripping the Crown of its trappings, and the Monarch of his dignity. His right honourable friend ought to view feudal monarchy as connected with all its evils, with the baneful and oppressive evils which were gradually removed during four centuries—from *Magna Charta* to the *Wards and Liveries*. This was the olden time so warmly eulogised! This was an attempt at celebrating the golden age of old times, which he thought more suitable to a venerable major out of doors, than to his right honourable friend. The objection of Mr B. was not to the droits causing war, but an improper manner of going to war. If even this abuse had never existed, he should still contend that it was sufficient objection that there was a peculiar liability to this abuse. Nay, it was a sufficient objection that we were suspected and charged with this abuse in foreign countries. These droits, he insisted, had been the direct cause of a want of liberality in dealing with the demand made by the American minister of the Congress of Ghent. If this fund had sometimes given the means of conciliating peace, by affording restitution to in-

jured parties, as in the case of the Swedish convoy, the honourable member conceived, that other funds might be found to serve the same purpose. In the reasons which his right honourable friend had adduced for refusing an inquiry into the droits of Admiralty, there was one great and surprising fallacy: it was this, that he had spread them over sixty years, whereas eight millions of them and more had been accumulated during the war which had raged during the last 20 years; the other 750,000*l.*, which was placed at the disposal of Parliament at the peace of 1763, proceeding from the capture of the French ships which were taken at the commencement of the war in 1756. Hence it appeared, that in the 30 years intervening between the years 1763 and 1793, the droits of Admiralty amounted to a very inconsiderable sum, whilst in the 20 years that afterwards ensued, they increased to such an amount as to give his Majesty a clear income of more than 400,000*l.* a-year, not voted by Parliament, not recognized by Parliament, or not recognizable by Parliament, but to be recognized and made recognizable by it at some future period. It was true that a great part of the droits of the Admiralty had been made over, voluntarily made over, by the King to the public service; and that another great part had also been applied to recompensing meritorious, but irregular captors. He conceded that the rewards paid out of this fund had been, for the most part, judiciously bestowed, but he would ask whether suspicions had not arisen, in consequence of some officers of great merit having been overlooked, that these grants were conferred not so much as marks of merit, but as marks of favour? But then these droits of Admiralty were defended as a privilege, a valuable and honourable privilege, of the Sovereign.

reign. What! were they to hear the power by which the Spanish frigates were captured denominated a valuable jewel in the Crown? were they to consider the proceeds arising from the sale of them honourable to the Crown? It would be more honourable for the Sovereign to derive his means of gratifying his paternal affection from the affection of his subjects, than from the spoils of his enemies—his unarmed, his unoffending, and his defenceless enemies.

The motion was supported by Sir John Newport, Mr J. Macdonald, and Mr Tierney, and shortly opposed by the Chancellor of the Exchequer; but after the ample discussion which it had already received, there could be little room for material novelty. Mr Tierney, in one point, went farther than Mr Brougham. He must say, that he was, in the present state of his information, against making any compensation whatever; but, at any rate, the necessity of granting such compensation could only be made apparent by the proposed inquiry. After the Committee had been granted, and an examination had taken place, his honourable and learned friend would be able to decide whether any and what compensation ought to be made.

Mr Brougham, in a short reply, particularly repelled Mr Cannirg's charge, that he wished to make a stipendiary king, with only as much meat as he could devour—a monarch who should live on board-wages, and dine every day at a chop-house. He denied that such an inference could fairly be drawn from any sentiments that he had uttered. He had no wish to diminish either the dignity or the comfort of the Crown; nay, he would grudge less 10,000*l.* applied in promoting the Monarch's comfort, than half that sum to be spent in corruption by the Minister—to be spent in getting members into that House, or

in keeping them steady when placed there.

A division being now called for, the motion was negatived by a majority of 118; there being for it, 155; against it, 273.

These preliminary measures being decided, the question of the civil list was, on the 8th May, brought fully under the consideration of Parliament. The Chancellor of the Exchequer observed, that there was room for very few observations on his part, as there was no deficiency to be accounted for, no new arrangement to be proposed, and the Crown asked merely the continuance of that amount which it had received during the four years preceding. He gave, however, a short summary of the proceedings which had been held relative to the civil list during the present reign. In 1782, some permanent rules were laid down for its future regulation, and some of its departments were divided into classes, and so arranged as that payments could be made in no one class until the claims on the one preceding it were satisfied. This was considered by the able man who then conducted the arrangement as sufficient to guard against future claims, or any irregularity; but there was one great defect, that although all the branches of the civil list were regularly classed, yet occasional payments were allowed; and as the sum granted was not sufficient to cover the whole of the expenditure, the consequence was, that many of the departments got considerably in arrear. From that period to the time of the French Revolution a great arrear had accumulated, and then the subject was laid before Parliament, together with extensive accounts of the application of the different sums, and the causes of the arrears. On the report of the committee the deficiencies were made good, and an additional sum voted.

From that time the expenses were still found to exceed the provision made, but the House was not called upon for any additional grants, as the droits were productive of large sums, which, as the House knew, were applied to supply some of the deficiencies without recurring to Parliament. The authority of Parliament was, however, again called in, and in 1804 a plan was adopted which continued till 1812. At that period the subject was again brought before the House; and upon examination it was found, that the excess which circumstances required above the Parliamentary allowances, was 124,000*l.* per annum. In 1815, another arrangement was made. The subject went again under investigation, and it was found that, in that and the preceding years, there was an increase of expenditure, which particular circumstances had called for, and which were not likely to occur again. A Committee sat upon the subject at that time, and in the next year it was arranged that the civil list should be relieved from various charges which until then were fixed upon particular branches of it. Among the advantages of this arrangement was to be reckoned that of enabling the branches of the household department to pay in ready money, or what was nearly tantamount to it, and thereby prevent those large arrears which had accrued before. This was in itself a principle which led to economy. The same was observed with respect to the small pensions chargeable on some branches of the civil list, which was a relief to those who were not able to bear long arrears. It was in both cases a relief to the Crown and to the public. The whole sum was less than that of 1815 by 139,000*l.*, and 150,000*l.* less than the average of the three preceding years. In this there was an advantage which had not occurred in the

former arrangements which were proposed, that the present was tried by the experience of three years, and it was found to prevent the recurrence of any arrears of debt. The establishment of 1816 was, in the first class, 298,000*l.*, including the Windsor establishment, the establishment of her late Majesty, and the privy purse of the Regent. In the present arrangement this class was reduced to 60,000*l.* being his present Majesty's privy purse.

Lord John Russell stated, that he rose with pain to propose a delay in the consideration of this subject, with the view of its being referred to a select committee. The question to which he wished to call the attention of the House was simply this: whether they, the representatives of the people, just returned from the people, with their professions and promises still on their lips, would, in a new Parliament, take estimates into which they had made no inquiry, on which they had given no opinion, and agree to those estimates without looking either to the necessities of the Sovereign or the distresses of the people. He thought that a mature and due examination into those estimates would be more grateful to the Monarch, more beneficial to the people, and more satisfactory to the House itself, than the plan which was proposed on the other side. If the arrangement of 1816 were as economical as the establishment of the President of the American Republic, still it ought not to be adopted without due consideration. His late Majesty had a groom of the stole, an office, which might be reduced without any derogation from the due support of the royal dignity. At least there were many offices of that kind which might be spared, without derogating in any respect from the dignity of the Crown. That such an office as that of master of the

hawks belonged to olden times, and had once contributed to the splendour and dignity of the Crown, was surely no reason for continuing it at the present day, when it was entirely useless. If such situations were to be upheld from respect to ancient usage, and without any regard to their utility, the King ought still, on the same principle, to have his fool, and be allowed straw for his beds, and litter for his chambers. Mr Vanning had deprecated the idea of inspecting the household accounts of the King, as a degradation fatal to the dignity of the monarchy. But who, he would ask, had brought before the House the account of the civil list? Why, ministers, themselves. Those very papers from which the right honourable gentleman had read a list of charges for bread, butter, cheese, &c., by way of exemplifying the degradation to which such an inspection would subject the Crown, had been brought down by ministers, in order to shew the debts on the civil list. He conceived that there was no ground to impute either to his friends or to the country, any desire to detract from the respect due to the Crown, but he thought that sufficient reasons had been given to induce the House to go into an inquiry on the subject.

Mr Huskisson maintained, that there was, in the practice of former reigns, no precedent for such an inquiry, nor any thing in the circumstances which could be urged as a reason for going out of the ordinary course. If no change had taken place from the situation of Regent to that of Sovereign, the noble lord might have had some cause to complain, and some grounds for demanding inquiry. But when it was proposed to give back the whole of that establishment which had been made for the late Sovereign, neither the one nor the other of the noble lord's propositions could be sus-

tained. All the particulars of the application of the civil list were before the House in the report of 1815, in details so minute as to be almost unbecoming the dignity of the Crown; so that any gentleman, if he thought there was an instance of unnecessary expenditure, might be able to point it out without any further inquiry. The office of master of the hawks had been laid hold of, and held up to ridicule, as one that added nothing to the dignity or safety of the Crown, and that ought therefore, to be abolished. But when he stated that this office was a freehold, granted by a former monarch, and as much property as any grant of lands made by Henry VIII., he thought he had satisfactorily answered all that had been said about it. The very same night he said of many other trifling salaries which had been made the subject of ridicule. He would appeal to all who recollected the state of the country in 1816, the price of commodities, and the state of the exchange, whether the currency was not then as valuable, and the prices of commodities as low, as at present. He would assert positively that this was the case. He thought the arrangement of 1816 one which was calculated to allow all those proper expenses which were necessary to support the becoming splendour and dignity of the Crown, subject only to the advice and suggestions of its responsible advisers. The benefit of this system had been seen from this circumstance—that, during the four years for which it had now existed, not one single shilling of debt accrued—a circumstance before unknown and unheard of in the history of the civil lists.

Mr Brougham made a short speech, chiefly in explanation of some observations formerly made in treating of the dropts of Admiralty.

Mr Tierney took a decided part in

support of the motion for inquiry. He said this discussion came on under circumstances of a nature perfectly unparalleled. It regarded the appropriation of a sum of 850,000*l.* at a period of public distress entirely unprecedented. He addressed the House at a period when distress, he regretted to say, had broken out into acts of violence in several parts of the country. He addressed them at a time immediately following a general election,—when, whatever had been the differences of political opinions which had prevailed from one end of the empire to the other, upon whatever topic, among whatever descriptions of men, there had been but one general cry, in which all parties had joined—a demand for the exercise of a most rigid inquiry. He at once declared his dissent from the proposition of Mr Huskisson, that inquiry was without precedent, and ought not to be entered upon. That gentleman in the same breath had appealed to the inquiry in 1815; but Mr Tierney could never be satisfied with an investigation which consisted merely in the production of certain papers, which those who presented them had an interest in preparing. The Windsor establishment,—the household of a dying King, was made the subject of real inquiry, and a large reduction had been recommended. He wished Ministers to make this their precedent. If only a thousand pounds could be saved, it would shew to the country their real desire to observe a strict economy. Now, he begged not to be understood as at all stating that such saving could, or could not be made. That was to appear by the report of such a committee as he wished to see appointed. He could not see why the estimate of Mr Pitt, made in 1801, should not now have been taken. Gentlemen on the other side had made this extraordinary as-

sumption, that the estimate of 1801 was one which Mr Pitt never intended to carry into effect,—one never meant to have operation—in short, a mere random shot. For his part, he never, in all his life, was any great Pittite, but he would not see Mr Pitt treated in this way. They said they could not find upon what grounds this estimate was made. Why not? All the gentlemen who made it, except Mr Pitt and Mr Rose, were, he believed, still alive. Here, then, was the estimate of Mr Pitt; but, instead of adopting it, instead of considering it, they said, “Let us put every thing aside; Mr Pitt never meant to carry this into effect, and therefore let us say no more about it.” He did not conceive that the expenditure of the late King could be taken as a fair test of what was necessary for the royal dignity. He would beg them to consider, that his late Majesty was liable to very heavy demands, by reason of his very large family. He would beg them to consider the charges of the Board of Works, and what had been the cost, not for the repairs, but for the improvements of that stupendous pile, Windsor-castle: next, for the decoration, furnishing, &c., of apartments in the palaces for the princesses, and of the apartments in Kensington Palace for the Princess of Wales. He would beg them to consider the heavy expences of removing the princesses to and from Windsor, stated at 20,000*l.*—and further, the removals of the Royal Family to Weymouth; and, putting all these heavy costs together, were they to be told that the last seven years were the proper criterion upon which the estimate for the expenses of the civil list at the present day were to be framed? He considered it as most extraordinary, that no express provision was made in this Bill for the Queen of England. He must say, that he never expected to be call-

ed upon to vote for a bill to provide for the maintenance of the royal family and household, out of which the Queen of England herself was to be excluded, after being recognised by the Lord High Chancellor. He would let this pass, but he could not help observing, that either her Majesty was very hardly used, or else that his Majesty was very hardly used. Mr Tierney protested against private funds, out of which additions could be made to the privy purse of his Majesty. He mentioned the Duchies of Cornwall and Lancaster, amounting, the one to 10,000*l.* and the other to 25,000*l.* and pointedly referred to the reserved 385,000*l.* on the droits of Admiralty. Suppose it were represented by Lord Liverpool, or the Chancellor of the Exchequer, that his Majesty wished to add to his property at Brighton a considerable extent of land, and that it was fit that the sum of 20,000*l.* should be paid into the privy purse for that purpose, who, after it was so paid, could be called upon to account for the appropriation of the money? Did the House think it right that such a power of making direct presents to his Majesty should exist? Mr Tierney concluded; "What may be the consequences of the part I have taken, I neither know nor care; but this I know, that if public confidence be of any value, no man ought to hope, for the confidence of the country who does not endeavour to deserve it by fearlessly stating his sentiments in this House. When we were talking of economy and retrenchment, I cannot come down here to take away the salaries of some petty clerks, or to reduce the pensions of a few poor half-pay officers; and shut my eyes to this proceeding, by which such enormous sums are to be voted to his Majesty without inquiry. I know I am doing my duty; and if I am at all ac-

quainted with the character of the King, I am sure that he will rather thank me than blame me for the part that I am taking. I say, and I say it without the fear of contradiction, that there are large sums, which, if a proper inquiry were set on foot, might be saved to the country. I say, too, that all ranks are bound to make sacrifices; and, by going into this committee, the House will at once set an example that its great object is economy and public relief, without sparing any quarter, whether high or low. Let it do its duty honestly, fairly, and impartially. I have done mine, and I repeat that I have not done it without great pain to myself."

Mr Canynge conceived that on such an occasion the first step to be taken was to examine the precedents of good times. Going back to the Revolution, it was found that the vote of the civil list from the reign of King William to George III. had been carried in this House in the first instance without minute investigation; and the only inference he wished to draw from this fact was, not that the House was bound to follow implicitly the course of precedents, but that those who proposed a deviation were bound to shew the special circumstances that rendered it advisable. An investigation both minute and recent had taken place; and it would be necessary to shew since that time some great exceedings, some manifest want of economy, or an application for an increase, in order to justify a deviation from the ordinary precedent. What motive was there for the House to interfere with more jealousy now than in the former reign? He appealed to the right honourable gentleman, whether, in his judgment and conscience, he thought, whatever might be the views and characters of public men, there ever was a period in the history of the country when

they were so clear from taint and imputation of a pecuniary kind. He begged leave to remind the House, that supposing the beginning of a reign were a fit opportunity for commencing such an examination, there was nothing to preclude it at any future period when it might be thought necessary. there were no instances of committees of this kind at the opening of new reigns, but several in their progress. He conscientiously believed that it was the determination of the illustrious personage concerned to live strictly within the limits prescribed by Parliament; and in asking for no more, he (Mr Canning) did not think that any case had been made out for jealousy on the part of the House, or of discontent on the part of the country.

After a little further conversation, a division took place, when Lord J. Russell's amendment was negatived by a majority of 99: there being for the motion, 157; against it, 156. The original resolutions were then agreed to.

The bill now proceeded in its different stages through the House. On the 17th May, ministers moved, that the blank amounts should be filled up with 850,000*l.* for the English civil list, and with 207,000*l.* for the Irish. This last sum drew forth observations from Sir John Newport, who wished for more information than was contained in the only paper on the subject laid before the House and which he held in his hand. It comprised no less than thirteen classes; and he would call the attention of the House to it, as the most extraordinary classification of a civil list he had ever seen. In 1793, the courts of justice formed one class; here they formed four. The Court of Chancery was divided from the Exchequer, the Exchequer from the King's-Bench, and the King's-Bench from the Common

Pleas. The Admiralty of Ireland consisted of a "judge," who had not been resident in that country for seven years, and was discharging his duty by deputy. Then came a ninth class, "barracks and board of works," for which there was a charge of 3350*l.* This certainly formed one of the classes, in the original civil list arrangement; but it then included the Lord-Lieutenant's and the Chief Secretary's house and gardens, which were not intended to be comprised in this list,—and the expense of which, from 20,000*l.* to 30,000*l.*, was made good by votes of that House. There was, in the class of "state officers," a clause to which he decidedly objected—he meant the Lord-Lieutenant's additional salary of 10,000*l.* per annum. In saying this, he did not intend to object to it with respect to the present Lord-Lieutenant, because he had accepted of the office under the provisions of the act which had passed some years ago, for increasing the salary; he did however hope, that, when a new Lord-Lieutenant was appointed, care would be taken to omit this additional 10,000*l.* a-year.

These observations were supported by Mr Tierney, who repeated his objections against voting the English civil list without inquiry. Lord Castlereagh and Mr Charles Grant replied, that the minute specification complained of was merely for the purpose of affording more full information, and could be for no other purpose. Lord C. held in his hand a much more detailed account, which, if called for, he was ready to produce. With regard to the salary of the Lord-Lieutenant, it had been universally agreed that the former amount of 20,000*l.* was insufficient to defray the expenses of that high office; and it was considered unjust that the person holding it should be obliged to encroach on his private fortune. The



sum of 207,000*l.* had been carefully examined by the committee of finance, and since reduced to the amount of 17,000*l.* had been pointed out, which would drop with the present holders, and fall into the consolidated fund.

No division was attempted on the subject, and the bill passed without opposition through its remaining stages.

This bill passed very tranquilly through the Lords, partly, no doubt, owing to the more urgent question with which that august House was forthwith occupied. In its prospect, however, the Marquis of Lansdowne, on the 5th May, inquired of Lord Liverpool, whether he intended to move the appointment of a committee of inquiry. The minister replied, that he considered the accounts laid before Parliament in 1816, as containing information sufficient. Lord Lansdowne then urged, that at least the reprinting of these accounts was necessary, and that other information might be called for. Besides economy, he considered the simplification of these accounts as an important object. He wished to render it clear what part of the civil list went to the maintenance of the royal family, and what was applicable to other purposes, or to services more strictly national. Some approximation to this object had been made in 1816, and he approved of the arrangement then adopted to the extent to which it went. But it had stopped short of the point of real utility, that of reducing the civil list to what might be granted for the regular expenditure of the royal family, and leaving out every thing of a fluctuating nature, and all those expenses which were properly national, subject at all times to the consideration of Parliament. The most proper arrangement, he thought, would be to charge the consolidated fund with every expense

which might be considered national, and to confine the civil list to what should be actually fixed upon for the permanent expenditure of the royal family.

Lord Liverpool observed, in reply, that the settlement of the civil list by a committee of inquiry was altogether without precedent at the commencement of a reign; and their Lordships had at present an advantage never possessed on any former occasion, in consequence of the minute investigation which had taken place in 1816. If the noble marquis referred to that settlement, he would find that every thing had been done with respect to simplification, that was practicable. In every step of the arrangement then made, the public advantage and interest had been maturely considered. The great object was, to take from the civil list and transfer to the consolidated fund various payments for services of a public nature which could be advantageously separated. By this arrangement much improvement in the accounts had been accomplished: but it was proposed that other charges of a fluctuating or uncertain nature, should be voted annually, and thus made subject to the control of Parliament. Upon examination, it would, however, be found, that all the articles of this description were of a peculiar nature, to which such a check could not with propriety be applied. The department most subject to fluctuation in its expenditure was the royal household, and its fluctuation was owing to the same cause that produced a variation in the expenses of any other family, namely, the difference of prices. Now, as to separating the expenses of the royal family from all charges for the maintenance of the civil government, in the manner the noble marquis had proposed,

that was an arrangement, of the propriety of which he entertained very serious doubts. The spirit of the constitution required that the expenditure of the crown should be considered as part of the expenditure of the country. It was doubtless on that ground that the charges for the civil government had been joined to the civil list, and he should therefore consider any attempt to produce a total separation as at least extremely indiscreet.

The accounts were ordered to be reprinted, and no subsequent opposition was made to the bill in the Upper House.

This grand question being adjusted, it remained only to go through the regular financial arrangements of the year. The first step consisted in the production of the estimates for the different branches of expenditure. On the 17th May, Sir George Warrender produced the navy estimates, which, not differing materially from those of the preceding year, excited little discussion. Previous, however, to the production of the military estimates, a motion was made by Colonel Davies, (May 16,) for an inquiry into this branch of expenditure. He did not demand any definite reduction of force, but merely called for inquiry, in which he thought himself entitled to the support of every friend to economy. Every feeling man who looked to the situation of the country, and marked the aggravated distress and misery which abounded in all quarters, must acknowledge that it was high time for those who wished to see a different state of things, to come forward, and call on Parliament to act with vigour and firmness. Whatever appearance the difficulties of the country might assume—whatever shape they might put on—whether they were manifested in the decline of agriculture, of manu-

factures, of commerce, or of them all—still any person who gave a moment's thought to the subject must perceive, at the bottom of all the evil which the country suffered, the disordered state of our finances. He might be told that the committee of finances had, for some years past, taken our military expenditure into consideration. The military expenditure was, however, so extremely complicated, that it would require the attention of a specific committee, and without meaning offence to the finance committee, he must be allowed to say that their exertions had not been efficient—little good had emanated from them. No hopes of reduction, he conceived, could be entertained from ministers, whose interest lay in the extension, not the diminution of power and patronage. Of this a striking proof had been given in the late appointment to the governorship of Gibraltar. In the whole list of sinecures there was not one more decidedly useless than the governorship of that place. It stood almost alone amongst sinecures; so much so, that a Committee of that House some years since recommended that it should be abolished as soon as ever it fell in. Yet, scarcely was the illustrious person who recently held that office deceased, when, with the most extraordinary haste, the vacancy was filled up. And to whom was the situation given?—The same messenger who carried to the country the account of the decease of the late governor, took with him the appointment of the Earl of Chatham, whose military glories might be summed up in the single fact, that he was commander of the memorable expedition to Walcheren. On looking at the military establishment of 1787, a year corresponding with the present, he found that the whole army, exclusive of India, amounted to 41,921 men; and now, in 1820, it comprised

92,224 men, being considerably more than double the force of the former period; and the expense in the latter time was still greater in proportion. The total expenses for the army, exclusive of extraordinaries, in the last year, was 6,582,603*l.*; for 1820, it was 6,807,535*l.*—an increase, as compared with the expenditure of last year, of upwards of 200,000*l.* They were also to recollect, that corps reduced in the last year occasioned a diminution of expense to the amount of 180,000*l.*, which made the real increase of this year, as compared with the last, upwards of 400,000*l.* He would not, however, press any reduction, being aware that the general feeling of the House was to consider the increase as rendered necessary by the state of the country. Yet he was himself firmly convinced, that the tranquillity of the country could be preserved without the aid of a standing army. In no part of the empire had disaffection manifested itself by more alarming symptoms than in Scotland, yet the army there never amounted to more than 3000 men; and with that comparatively small regular force, aided by the inhabitants, who came forward to defend their homes and families, the peace of the country, with little exception, had been preserved. He wished the people in the South would act in the same manner. It was because the people in Scotland had stood forward as yeomen and volunteers, that peace and quietness were maintained. He found that those who had come forward voluntarily in Scotland amounted to 3700 men. If the people of England would act as the inhabitants of Scotland had done, they would soon put an end to all disturbance. The nineteen regiments of cavalry now kept up, comprising 11,000 men, appeared to him very superfluous. There were three regiments stationed at Hounslow, and on

the east coast of Essex, for which he could see no occasion, as 2000 seamen were sufficient to put down smuggling. In every cavalry regiment there might, he conceived, be spared, 46 dismounted men, and the second major; this would produce an annual saving of 80,000*l.* In the infantry, by dismissing the second majors, and forming the regiments into eight companies instead of ten, a saving of 60 or 70,000*l.* a-year might be made. The waggon-train was of no earthly use. Every man must be convinced of the absolute absurdity of keeping up such a body at present. During the war they were employed to carry the sick, and to assist the military in their movements. But now, when a regiment scarcely removed once in a twelve-month, they were evidently of no use. By reducing this useless corps, the country would save 10,000*l.* a-year. The engineer corps was the most expensive in the army, and though it might be impolitic to part with the officers, who were men of education, why not reduce the men? The intricacy of the accounts in the recruiting department rendered a greater number of clerks necessary. The staff appeared to him too numerous. There were double the number of adjutant-generals in Ireland as in England; and in the Leeward Islands there were three general officers, while in Jamaica there was only one. The office of paymaster-general appeared to him useless. In the war-office, to which he now requested attention, the charge was 57,880*l.* In 1806, a deputy secretary and 112 clerks had been in the war-office, and the expense had been 30,000*l.* Now, the number of clerks was increased from 112 to 147, and the expenses were 48,000*l.* After touching on various minor points, he came to the military college. It had been reduced, but further reduction might yet be made. The senior de-

partment was useful; but the junior department was quite useless; for young men who left the college early and entered the regular army, soon forgot what they learned there. The committee of finance had commented on the cruelty of educating young men for pursuits in which they could not be employed. The commission of military inquiry had recommended the abolition of the lieutenant-governor and paymaster as unnecessary. Yet they were retained to this hour. The establishment was not only that of a regiment; it was that of an army. The honourable gentleman complained of abuses in the granting of superannuation; and as to barracks, he thought the best plan was to pull them all down immediately.

Lord Palmerston said he would be as brief as possible in replying to the various topics touched upon in the honourable gentleman's speech. The question was not whether a reduction was possible, but whether the evils attending it would not be greater than the benefit. The cavalry were necessary for the preservation of public peace, and other important services. Their services on the coast were necessary to check the contraband trade which was attempted to be carried on; for, when the smuggler had once landed his goods on the coast, it was only by the assistance of cavalry troops that seizures could be made. The proposed change in their organization was a mere matter of speculation and opinion, upon which the House could not act. If it were not for the waggon-train, it would be necessary on all occasions to employ farmers' horses, which would be in the highest degree inconvenient to the service, and perhaps not much less expensive. As to the engineer corps, which the honourable gentleman wished to be reduced, he might observe that proper officers for these corps were

not easily obtained. It was also difficult to procure men for them, on account of the mechanical skill which it was necessary they should possess. These men were always most usefully employed, and therefore he conceived that their reduction would be a serious inconvenience. The honourable gentleman wondered why there should be more staff officers in Ireland than in England or Scotland. The reason was, that in Ireland the force was more dispersed than in this country, and on that account all those details in which staff officers were employed were more numerous. The same thing applied to the staff in the Leeward and Windward Islands. The honourable gentleman would next do away with the commissariat department. He believed, however, that no other arrangement could be made which would so effectually combine economy with regularity of supply. It certainly appeared to him that, when supply was provided by contract, it was likely to be cheaper, better, and more regular, than if each regiment were to provide its own supply. The honourable gentleman had next touched on the military college, and had admitted that great reductions had been made, but contended that still greater ought to be made. The House would see that arrangements had been made for consolidating the senior and the junior departments of that establishment from the 24th of June next, so that next year the whole would merge into one department, and the total expense of the college would be reduced to a sum between 18,000*l.* and 19,000*l.* He was sure that the House would not think that the number of cadets which it was proposed to admit every year, say seven, was too great for the other parts of our military establishment. He believed that the highest authority in the military profession thought this establishment

essentially necessary to the army. That officers ought to be previously instructed in military science, was a self-evident proposition; because, if they were not instructed, the army must of necessity be bad. The only good that could result from the abolishing of this establishment, would be to drive young men to foreign countries for their military education—to send them to the schools of France or of Germany at that period of life at which principles are to be acquired, and the character of the future man is to be fixed. For his own part, he wished to see the British soldier with a British character, with British habits, with a British education, and with as little as possible of any thing foreign.

Although the motion was supported by Mr Calcraft, Sir H. Parnell, and Mr Ellice, it was negatived by a majority of 125 to 45.

On the 2d June, the House having resolved itself into a committee of supply, Lord Palmerston rose to move the army estimates. The principal feature, as compared with last year, consisted in the addition of force which had been judged necessary in consequence of the agitated state of the country. Hence there was this year an increase of force, amounting, including officers, to 11,715 men, making an increase of 220,000*l.* There was also an increase of regimental charges, amounting to 363,647*l.*, and on the miscellaneous service of 64,000*l.* This increase arose chiefly from the calling of the Veteran Battalions into active service. The House might wish to know what had been the result of the examination of the pensioners for these battalions. The whole number that presented themselves was 15,026; of these 12,305 were found fit for duty; 18,624 did not attend, but the greater number made sufficient excuses. Such as were at first

held fit for duty were again examined, and 3348 of them were discharged, leaving in the whole 8957 for the service for which they were intended. It was fit to observe, that the charge made for them included 18,500*l.* as the expense of clothing them; but as they had been furnished from the stores of the war left on hand, credit had been elsewhere given to that amount. The House might wish to know the expense arising from this measure including the clothing, it was 360,000*l.* increased by the charge for organization. Against this was to be set—the pensions of the men, 83,000*l.*, the saving of pay of retired officers, 35,000*l.*, and credit for half-pay to the amount of 12,000*l.* The sum saved was therefore in the whole 132,000*l.*; and the charge upon the country, including clothing, 360,000*l.*—deducting the one from the other, together with 18,500*l.* for clothing, left an additional charge upon the public for the Veteran Battalions, of 210,000*l.* Lord Palmerston did not feel himself called upon at present to defend that augmentation of force, of which this increased expense had been the necessary consequence; it had been fully discussed on former occasions. To counterbalance it, he mentioned a number of savings: there had been 13,701*l.* in the staff, 1800*l.* in the barrack department, 3531*l.* in the war department, and 3702*l.* in the royal military college, where still further reductions were in contemplation. There had indeed been an advance of 3319*l.* in the recruiting, and of 979*l.* upon garrisons, both arising from temporary causes. In the volunteer corps there had been an increase of 17,831*l.*, the British part of that increase arose from the establishment of new corps. The total amount of volunteer corps in Great Britain was 25,000 cavalry, and 4950 infantry. In Ireland they were en-

tirely infantry, and a reduction had been made there of 6995 rank and file, and a saving in charge of 2000*l* effected. The present amount of Irish yeomanry might be stated at about 20,000 men.

This statement called forth animadversion from several quarters, particularly from Mr Hume, who deprecated the maintenance of so large a military establishment in time of peace. By a statement in one of the reports of the finance committee, the whole military expenditure of the last year, including the ordnance service, was represented to be 9,991,000*l*. If this were added to the sum of 221,000*l*. for additional charges in the present year, the total amount would exceed 10,000,000*l*. He was satisfied that so large an establishment was out of all proportion to the exigencies of the country, that it was bad policy to attempt keeping down a population by an overwhelming military force, and that whilst corps of yeomanry were in a state of efficiency, a very great diminution might be made in the regular regiments. The charge for those regiments stationed at home was 1,502,000*l*., and of those on foreign service 1,067,000*l*. Mr Hume observed that the office of commander-in-chief, of judge-advocate, and some others, were continued at the increased rate allowed during the war, notwithstanding the great diminution in the magnitude and importance of their duties. The whole charge, both military and civil, of the Ioman islands, was defrayed by this government, contrary to the express stipulations of the treaty of Paris. With regard to the military college at Sandhurst, he did not wish to see it pulled down; but he conceived its efficiency might be supported at a very moderate charge. Why should there be a governor with 1500*l*. a-year, and a deputy-governor with 1000*l*. There were 26 professors to instruct 290 young men. Commissions had been granted only to 76 cadets in the course of three years—the whole expense of the establishment for which period was 78,000*l*., being a charge of 1040*l*. for the education of each individual thus called to an employment in the public service. If this education was as advantageous and useful as it was represented to be, he did not see why every officer should not receive it. There was one other point which he conceived to be of very great importance—he meant the half-pay; and he would briefly state to the House the view he took of that subject. By a return laid before the House last year, it appeared that there were no less than 1655 captains, 3663 lieutenants, and 12,000 cornets and ensigns, on the half-pay list, since which time near 600 had been added to that number. It was a matter of important consideration whether means should not be adopted to take those individuals from the half-pay list, and to place them on full pay, by providing them with situations in the army. He trusted that every thing that could be done would be practised, to lessen the expenditure in general, and that next year the estimates would appear before them reduced to the amount of some hundreds of thousands.

Mr Bennet animadverted on the charge of 2000*l*. for the Ophthalmic establishment, which, by the report of a board of medical men, among whom were Drs Macgregor and Franklin, appeared to be of no real use. There seemed even serious ground for censuring the conduct of Sir William Adams, who was placed at its head. Mr Barham, however, insisted, that the honourable gentleman had been misled by party statements, and Mr C. Hutchison strongly vindicated the conduct and character of Sir William Adams.

After a short reply from Lord Palmerston, the estimates were passed.

On the same evening Mr Ward moved the ordnance estimates. In these he had to state an increase for this year of 733,000*l*. The amount of the military and naval force having been sanctioned by Parliament, it followed of course that a proportionate ordnance establishment must be kept up. The increase arose from various incidental and inevitable circumstances. There was 10,000*l*. for military buildings and batteries; 41,000*l*. on superannuations and allowances; 6000*l*. for the trigonometrical survey of General Mudge; 7 or 8000*l*. for freight and landing of ordnance stores; 11,000*l*. for removal of cannon, and other similar charges. Various minor items amounted altogether to a considerable sum. On the other hand, some considerable reductions had been effected. Eight establishments in the West Indies had been completely put down, in consequence of which, together with some smaller reductions, there was a saving of 5000*l*. to the ordnance of this year. Altogether, the savings which had been effected amounted to 16,000*l*. which, when set off against the increased expense under the several heads, left a total increase of 133,000*l*. on the whole ordnance estimates of this year.

Mr Hume very strongly inveighed against the enormous and increased amount of expenditure in this department. It appeared that the net expense of the whole ordnance establishment for Great Britain and Ireland, which had been last year 1,191,905*l*. was this year 1,319,854*l*.; making a difference of 127,949*l*.; and this increase of expense had been imposed on the country since last year, notwithstanding the anxiety which ministers pressed for economy and retrenchment. He dwelt particularly on the comparison of the present years

of peace with those prior to the French war. In the year 1792, the total sum voted for the ordinary and extraordinary expenses of the ordnance service was only 377,898*l*., and the journals of the House would shew that the average sum voted for the whole expense of the ordnance establishment during the six years preceding 1793, did not exceed 310,000*l*. But if they took the average expense of the last six years of peace, they would find that there had been an average increase of 800,000*l*. At the same time, he thought it would be unfair not to state, that a considerable proportion of this increase arose from half-pay and retired allowances, which amounted respectively during the years 1819 and 1820, to 293,000*l*. and 333,000*l*. He insisted, however, that these superannuations had been given often in an irregular manner, and without regard to the limitation prescribed by Acts of Parliament.

Mr Ward was ready to shew whence the difference arose between the present ordnance expenditure, and that previous to the late war. The superannuations, retired allowances, &c. amounted in all to nearly 400,000*l*. Then there was a vast number of services in the present ordnance department which did not exist in the year 1788; and in making this comparison between the two periods, it was not proper for him to throw them out of the calculation. For example, in 1788, there was no horse artillery, therefore that could be no article of such comparison. Then there were the expenses for Ireland in the present estimate—these amounted to 111,986*l*.; and these were not to be charged before the union. The charge for the horse artillery was 34,800*l*. At the time alluded to, (1788,) this service was so imperfectly performed, that it was found necessary to press into it any common carters that

could be found. The forge and supply of draught horses were charged at 12,946*l.*, and contingencies at 7000*l.* But, in short, without entering into a more minute recapitulation of the details, all these various services amounted together to 645,000*l.*, which, deducted from the total expenses of the present period, namely 1,380,000*l.*, left those actual expenses for the year 1820, as compared with those of 1788, of 735,000*l.* The pay of the artillery had been much augmented; the expenses of barracks, (then almost a new establishment,) and of repairing and maintaining forts and garrisons both at home and in the colonies, was much greater than before. The inference to be drawn from taking these various differences into account was, that the ordnance department, so far from being to blame for an increase of its estimated expenses of upwards of 330,000*l.* since 1788, was rather entitled to credit for confining the excess to such a sum.

Mr Creevey took here occasion to introduce afresh the revenues of Gibraltar, and the 4½ per cent on the produce of the Leeward Islands, which, he insisted, ought to be applied to the repair of forts at these places. But those honourable gentlemen would not vote for their being appropriated to these purposes—why so? Because they had disposed of those funds in another way. Instead of repairing forts and batteries, they had given to an honourable member of that House, (Sir Charles Long,) whom he mentioned without any feeling of disrespect, however, 1500*l.* a-year, for doing—nothing. Sir Home Popham, also, out of these funds had received 500*l.* a-year. Mr Huskisson had another allowance out of them, as well as Sir Fulk Greville, Lady Mansfield, and some others. He could not help hazarding these remarks; but it did seem a little hard that these lords, and

ladies, and gentlemen, should have the kindness to take those funds which were destined to go to a very different appropriation. Some conversation ensued between the Chancellor of the Exchequer, Mr Bennett, and Lord Castlereagh, during which the discussion assumed a desultory turn, and consisted chiefly of vague attack and recrimination. All the ordnance estimates were finally voted.

The estimates for the year having been passed, the Chancellor of the Exchequer proceeded, on the 14th of June, in a Committee of the House, to the grand process of opening the *Budget*.

The first point to which he wished to call the attention of the committee, was the amount of the supply which had been granted for the service of the year, under its several departments; and he should then proceed to shew the funds from which the expenditure was intended to be defrayed, adding such explanations at the close of his statement as appeared to be necessary to elucidate the several points to which he had referred.

The first great head of expenditure to which he should call our attention, was that of the army. For military services there had been granted in the present year, including some items which still remained to be voted, the sum of 9,421,000*l.* In the preceding year, the grant had amounted to 8,782,000*l.*, but the actual expense had exceeded that sum in consequence of the augmentation of force which had taken place towards the close of that year, and which had been partly included in the votes of the present session. Much as he might regret the causes which led to this augmentation of force, he should not then think it necessary to trouble the committee by entering upon them, being satisfied that the conviction was general in the country, as well as be-



ing sensible in his own mind, that the augmentation had not arisen from any voluntary disposition in the government to increase the military force, but from the urgent necessity of providing additional protection for the loyal and industrious part of the population of the country.

He next adverted to the naval services, which amounted to 6,586,000*l.*, and under which head of expenditure there had also been an increase of 150,000*l.*, arising principally from the same necessity which had produced the augmentation of the expenses of the army, an additional number of 2000 iramen having been voted to perform garrison duty on shore.

The ordnance estimate amounted to 1,204,000*l.*, being nearly the same as in the last year; and in both, the actual expense considerably exceeded the sums granted by Parliament, the supplies being made good by the sale of stores remaining at the close of the war, and which it was no longer necessary to preserve.

The miscellaneous services he should estimate at 22,000*l.* more than in the year 1819; but in the estimate of the present year he included the sum which it had been supposed would be necessary for the expenses of the coronation. The total amount of the heads of expenditure which he had enumerated was 19,413,000*l.*, being about 825,000*l.* more than those of the last year; but this excess in the expense of the general service of the state would be in part compensated by a diminution of the charges of the unfunded debt, which in 1819 had amounted to 2,000,000*l.*, viz. 1,570,000*l.* for interest, and 430,000*l.* for sinking fund on exchequer bills. In the present year it was only necessary to provide 1,000,000*l.* for the interest, and 410,000*l.* for sinking fund. The total sum to be provided

for the service of the year would therefore be 20,723,000*l.*, while in 1819 it had been 20,488,000*l.* But, in addition to the provision necessary to be made for the services properly belonging to the year, there was to be added a sum for the further reduction of unfunded debt. It had been recommended by the committee of both Houses of Parliament, that the sums due by Government to the Bank should be diminished by a repayment of 10,000,000*l.*, of which 5,000,000*l.* having been provided for in the last year, there remained a sum of five millions now to provide. It also appeared to be necessary, in order to remove the pressure of unfunded debt upon the market, to provide for a farther reduction of the exchequer bills in the hands of individuals to the extent of 4,000,000*l.*, making in the whole a diminution of unfunded debt to the amount of 9,000,000*l.*, and which, added to the provision for the services of the year, would make a total supply to the extent of 29,723,000*l.*

To meet these charges, the first article of ways and means was the continuation of the usual annual taxes, amounting to 3,000,000*l.*

The next would be a grant upon the produce of the temporary excise duties, which had been continued since the war. In the year 1819, 3,500,000*l.* had been granted upon those duties, being about equal to their actual produce in the then preceding year; but, owing principally to the variations of payment which had been caused by the consolidation of the excise duties in July last, there remained on the 5th July 1820, a sum of 900,000*l.* still to be made good upon that grant. He should therefore, for the present year, propose to vote only 2,500,000*l.* upon that fund, in order that the grant might be nearly completed before the month of

April next. The remaining articles of ordinary income were the lottery, and the old naval stores. The former he should estimate at 240,000*l.*, and the latter at 260,000*l.*, being the produce of the sales of the last year. The total amount of these several items of ordinary income was 6,000,000*l.*, which, being deducted from the supply he had before stated, would leave the sum of 20,700,000*l.* to be provided for by extraordinary means. He had already had occasion to explain to Parliament the mode in which 7,000,000*l.* of exchequer bills had been funded, and a loan of 5,000,000*l.* contracted; and he had had the satisfaction to observe, that the terms which he had obtained for the public in each of those transactions had met with the general approbation of the House. He should now further propose a vote sanctioning a loan of 12,000,000*l.* from the sinking fund, making in the whole an amount of ways and means of 30,000,000*l.*, and exceeding the supply granted by between 200,000*l.* and 300,000*l.* There remained a small article of income, which it would be necessary to note, but of which he could not offer a specific estimate. It would arise from the repayments which might take place of advances made to corporations or individuals, under the authority of an act of the 57th of his late Majesty, for affording encouragement to public works. Under that act about 1,000,000*l.* had been advanced in exchequer bills, which would become due in October next, and for the payment of which Parliament had made provision in the present session; but the individuals who had received these loans were in many instances allowed to repay them by distant instalments, so that only a small proportion of the sums advanced could be expected to be repaid in the present

year: the whole transaction would, however, be wound up without any loss to the public, and at a rate of interest which would afford provision for all the charges attending the operation of the act.

Having thus stated the various items of supply and ways and means, it might be necessary to explain the situation of the unfunded debt as settled by the votes of the last year, and as now proposed to be reduced by the arrangements for the present. The amount of exchequer bills authorised to be issued by the acts of 1819 was 36,500,000*l.*, to which was to be added the sum of 1,000,000*l.*, issued, as he had before observed, under the 57th of the late King; and also 2,000,000*l.* of Irish treasury bill, the value of which the Bank of Ireland had advanced to Government. He should propose for the present year to grant 29,000,000*l.* of exchequer bills, and 1,500,000*l.* of Irish treasury bills, making together 30,500,000*l.*, and making a diminution of the unfunded debt, compared with the last year, as he had before stated, of 9,000,000*l.*

The exchequer bills he should propose to vote this evening, but to reserve the Irish treasury bills for a future occasion, as he was not certain whether the Bank of Ireland, which had already exchanged 500,000*l.* of the Irish treasury bills held by them for English exchequer bills, might not be desirous of exchanging a farther sum in the same manner.

The terms of the sinking fund loan he should propose to regulate by those of the contract which had been entered into for the loan of 5,000,000*l.*, it appearing to be the most equitable principle, that the sum borrowed from the commissioners of the sinking fund, should be taken at the

same rate of interest as that at which the money of individuals had been advanced.

The payments of this loan would be so arranged as to leave the sum of 5,000,000*l.* applicable by the commissioners to the purchase of stock in the year ended 5th July, 1821. In the year ended 5th July, 1820, the sum applied by the commissioners had amounted to about 4,400,000*l.*, including about 600,000*l.* applied in Ireland. In the present year the total sum would be somewhat more than 5,000,000*l.*, of which between 600,000*l.* and 700,000*l.* would also be applied in Ireland, leaving about 4,400,000*l.* for purchases in England: and here it might be proper for him to answer a question which had been more than once put to him by the honourable member for Penrhyn, viz. why, as the sinking fund now amounted to 17,000,000*l.*, and would therefore have been sufficient, in addition to the proposed loan of 12,000,000*l.*, the remaining sum of 5,000,000*l.* had had not also been borrowed from the sinking fund, so as to leave no sum to be borrowed from individuals? To this he should answer, that although the amount of debt remaining unredeemed at the close of the year might have been nearly the same in one mode of proceeding as in the other, yet it appeared to him that the effect upon credit and public convenience would have been extremely different in the two cases. The purchases of commissioners had not only the effect of cancelling a certain portion of stock at the end of every year; but, by their equable and regular operation, they in a degree regulated the market during the whole of the year, and prevented those sudden fluctuations which the accidental circumstances of sales, and of the combinations of speculators, might otherwise

occasion. Whatever might be the necessity of an individual to bring his stock to sale, he knew that there was a constant and considerable purchaser in the market; and that he could not fail, with the delay of a few days, to obtain the fair current price of what he had to sell. It was also to be recollected for how many years the public had been accustomed to the constant practice of these purchases, and how much their feelings might have been acted upon, and their apprehensions excited, by the total cessation of an establishment which has always been deemed so beneficial. He had not indeed been without some alarm at the effect which might be produced upon public opinion in the last year, when a loan from the sinking fund was for the first time carried into effect. He was ready to allow that the experiment had ended more favourably than he had apprehended it might do; but the difference was very great between the diminution, though considerable, and the total cessation of a resource of this kind. In future, indeed, he hoped that this ground of difference of opinion between the honourable member and himself would no longer exist; for he saw no reason to depart from the expectation which he had last year held out to Parliament, that the loan lately concluded would be the last which, so long as peace continued, the government would be under the necessity of contracting, except by application to the commissioners for the sinking fund. He was here naturally led to explain a part of the subject which had on various occasions been alluded to, and which nearly connected itself with this question—he meant a comparison between the estimates which had been formed in the session of 1819, and the actual result of the finances of that year.

He was ready to admit, that it was less favourable than had been anticipated, but he contended that the failure was not so considerable as to exceed ordinary fluctuations, or to justify the alarms which had frequently been expressed. The finance committee, in April 1819, had estimated the total income of the United Kingdom at 54,000,000*l*.; its actual produce had been very near 53,000,000*l*., of which, however, 500,000*l*. had arisen from taxes imposed since the committee had made their report. The diminution, therefore, of revenue, which arose almost wholly in the October quarter, and in the branch of customs, might be taken at 1,500,000*l*.. They had estimated the clear excess of income beyond expenditure at about 2,000,000*l*., to which would have been added the amount of any taxes afterwards enforced. The actual excess, estimated in various ways, might be taken from one million to a million and a half; and, though certainly much less than was desirable to secure the prosperity of the country in the time of peace, yet was sufficient to complete the gloomy observations which were frequently thrown out of a great existing deficiency.

In the present year it appeared, from the accounts on the table, as nearly certain as any estimate which could be formed, that the new taxes enforced in 1819 would produce at least the estimated sum of three millions. There would therefore be a sum of about 2,500,000*l*. to add to the surplus of income beyond expenditure in 1819, making a clear improvement in our situation, in the present year, of about three millions and a half. It is true that this sum falls considerably short of the 5,000,000*l*. of clear income which were last year intended to be provided by Parliament; but although that estimate

might not be realized in the present year, which laboured under some circumstances of depression too obvious to require particular notice, he by no means saw reason to doubt that it would be speedily completed. One indispensable requisite, indeed, as well to all financial prosperity as to every effective economy, and to all encouragement of industry, was the complete and permanent establishment of tranquillity and good order among the people. When that great point was effectually secured, he felt the greatest confidence of the rest.

Having completed this part of his statement, he adverted, in a subsequent explanation, to the mode by which the charges of the loan were to be provided for. The principle which he adopted was that of the act of 1813. It had been at that time explained, though not positively enacted, that a sum of 100 millions ought in time of peace to be reserved in the hands of the commissioners, as a resource for the first exigencies of any future wars. That sum had been now completed, and there was a considerable excess in the hands of the commissioners. The sum now actually standing in their names amounted to about 144,000,000*l*.. He should therefore propose to provide for the charge of the present loans by cancelling the excess of stock beyond 100,000,000*l*. in the names of the commissioners to such an extent as was necessary for providing for the expense as it arose, and so as to leave the sum of at least 5,000,000*l*. as a clear sinking fund for the present year.

Although another subject (to be speedily introduced) had now almost exclusively occupied public attention, yet some observations were made on this exposition of the financial state of the country. Mr A. Baring having made an inquiry about the consoli-

dated fund, the Chancellor of the Exchequer admitted that it was last year three millions in arrear. This deficiency had arisen before, the new taxes became productive, and also included the charge of two loans.—Mr Grenfell here deprecated the system of the government being dependent on the Bank of England for the means of meeting the deficiency on the consolidated fund. It did appear to him an unseemly and odious blot on its character, to be unable to pay the public creditor except at the will and pleasure of that corporation.—Mr Ricardo insisted, that, unsatisfactory as the statement of the Chancellor of the Exchequer had been, it was still more favourable than the truth—that instead of any the smallest sinking fund, there was an actual deficiency.—Mr Maberley, after drawing an almost equally gloomy picture of the state of the finances, concluded by recommending a property tax, as the least objectionable and only effectual mode of placing affairs in a more favourable state. This hint was not ill received by Mr Vansittart, who expressed his belief that the country would at last feel the necessity of this or some other equally rigorous financial measure. Alderman Heygate deprecated the system of loans in time of peace, and conceived it unworthy of a country like England to be eternally changing her plans of finance. He hoped the deficiency, if any, of next year, would be met by more vigorous and effective measures. He ascribed much of the distress of the country to the recent diminution of 5,000,000*l.* in the issue of Bank of England notes, and 4,000,000*l.* in those of country banks, in all 9,000,000*l.*, about a sixth part of the currency of the country. There could be no pretence for a further diminution of the circulating medium; indeed paper was now more valuable

than gold.—Mr Huskisson, admitting how important it was that the consolidated fund should be out of arrears, and that there should exist an effective sinking fund, expressed his hope that the latter would soon amount to 5,000,000*l.* The debate here closed.

The opposition, during the present session, found only one opportunity to exercise their function of watching the minor steps of ministerial proceeding; and advancing charges of blameable profusion of the public money. This charge, which excited considerable interest, was founded on the filling up of the situation of fifth Baron of Exchequer, after a commission, appointed to inquire into Scots courts of justice, had reported their opinion that the number four would be sufficient. Lord Archibald Hamilton, who stood now as head of the whig interest for Scotland, introduced this subject to the notice of Parliament on the 15th of May. He began with stating the proceedings out of which the report arose. It was now six years since his right honourable friend (Sir J. Newport) commenced his exertions for an inquiry into the courts of justice, with a view to their improvement. His motion for the appointment of commissioners for that purpose was made and agreed to in 1814. Now it would scarcely be believed, that after the lapse of six years not one arrangement was made for carrying into effect the recommendation of the commissioners. The report giving an account of the Court of Exchequer in Scotland, called the sixth report, was laid upon the table last year, and two other reports had been since presented. He should quote the very words of the commissioners upon the appointment which was the subject of his motion. They were as follows: “We think it our duty here to express our opinion that the provisions made in respect to an

English baron are no longer essential or requisite. With the exception of one of our number, we concur in thinking, that five barons are one more than necessary, and that the business of the Exchequer might be conducted with equal advantage by four, as in the Court of Exchequer in England, and without adding to the duties and labour of these judges." If the House did not concur in the recommendation of the commissioners, the eight Reports which they had already presented would be useless paper, and Parliament would neither do its duty by them nor by the country. He would now state the duty of the Barons, and he begged it to be observed, that the account was not that of an enemy, but was supplied by these judges themselves. They stated, as was to be found in the 10th page of the Report, that there were four terms, one beginning on the 21th of November, and terminating on the 20th December; another beginning on the 15th of January, and ending on the 3d of February, a third beginning on the 12th of May, and ending on the 2d of June, and a fourth beginning on the 17th of June, and ending on the 5th of July. The Court, it was remarked, did not usually meet on Monday, except it was the first or the last day of term. Thus, then, the Barons were not employed in their judicial duties more than two months in the year, and this, be it remembered, was their own account of their employment. The average number of causes set down for trial did not exceed a hundred. They likewise acted as a board of treasury, and the average number of petitions, memorials, and other applications disposed of by them in that capacity, amounted to 1300. In point of practice, the disposal of this part of the business belonged to the Remembrancer; it was their duty only to transmit these memorials to

him, to order him to make out his report, of which they disapproved or approved. When they had given their approbation or disapprobation, their labour was at an end. Now he would beg leave to contrast the duties which they thus performed, with the duties performed by the Barons of the Court of Exchequer in England. The Barons of the Exchequer Court of England went the circuit; the Barons of Scotland performed no part of this duty. The Court of Exchequer in England performed the duties of a Court of Equity, in Scotland no such duty devolved upon the Barons. In England, other suitors could apply to the Court of Exchequer besides the suitors of the Crown, in Scotland only the suitors of the Crown. The Barons of England took then turn at the Old Bailey, and performed other parts in the administration of justice; in Scotland they had no similar labour. In England the Barons had to decide on references from Parliament; in Scotland they had to do nothing similar. There could, therefore, be no comparison between the labour performed by the four Barons of the Court of Exchequer in England and the five of Scotland. He would beg to know, as connected with this subject, what was the opinion entertained of the appointment of the present Chief-Baron of the Exchequer (the late Attorney-General of England, Sir Samuel Shepherd). Did he consider himself, or was he considered by his friends, as going to perform a laborious duty, or going to fill an easy situation, if not a sinecure office?—The late Chief Baron (the Right Honourable Robert Dundas) held his office three years, while he never appeared in court, he was in Italy two of those years from bad health, and when he returned he was unable to attend to business. The present Lord High Commissioner of the Jury Court

of Scotland, though almost unacquainted with the laws of Scotland, and going down to establish a new court, and to perform the laborious duties of a new appointment, was yet able to execute the functions of a Baron of the Exchequer in addition to his other avocations. Indeed, when it was proposed in the last Parliament, to grant retired pensions to the judges, it was contended by some hon. members, that such pensions ought not to be allowed to the Barons of the Exchequer, as they were already in a state of retirement. He could not refrain from denouncing a scandalous appointment, alike injurious to the character of Parliament and to the credit of the courts of justice. The opinion of the commissioners had been unanimous, with the exception of Sir Hay Campbell, whose nomination had been objected to, on the ground that nothing had been done regarding appointments in courts of justice for the last half century, but by his advice. The opinion of no person in Scotland could be of less weight, as, without meaning any personal disrespect to him, he had protected all the abuses that had prevailed for the last fifty years, and might say of them, *quorum pars magna fui*. The next name that he found subscribed to the report was that of Sir James Montgomery, who had been Lord Advocate of Scotland. His authority, he did not hesitate to say, weighed as much with him as that of the learned lord or of the Lord Register opposite. Mr Robertson Scott, and Mr Threipland, were every way qualified for their appointment by character and knowledge. He came to Mr Glassford, though last not least, whose opinion deserved the greater credit, as he had written a book upon the courts. That gentleman had said in his publication, that the appointments of the Exchequer were sources of patronage, but

not offices of business. With regard to the individual appointed, (Sir Patrick Murray) he was scarcely known as a lawyer, and had seldom entered the courts, unless from curiosity. The only argument which could be urged for the number five was, that if four were equally divided, there might be want of a deciding voice; but the experience of England shewed how little room there was for this apprehension; and it would be strange to incur the expense of an additional judge for the mere purpose of inequality. The Lord Advocate had indeed produced a paper, purporting to contain the opinion of four judges, the heads of the courts in Scotland, and which was unfavourable to the discontinuance of the fifth Baron. Lord A. conceived that the judges, from their very situation, were liable to bias, and that their whole authority was destroyed by one assertion contained in this paper. In opposition to the recommendation of the commissioners, that the duties of the two clerks of bills should be devolved on the principal clerks of session, it expressed an opinion that the last office was sufficient to occupy the whole time and attention of any individual. What would the House think, when it understood that Sir Walter Scott was one of the principal clerks of Session? Could they believe that his whole time was engrossed by the duties of that office? The paper containing their opinion did not carry conviction to the people of Scotland; it did not carry conviction to all the judges; it did not, he was assured, carry conviction to the bar. As the paper could not carry conviction, so neither could the vote of that House, if a vote of confirmation, carry conviction to the country. "The time may soon come," continued his lordship, "when I shall meet with this appointment in the mouths of persons in the disturbed

district with which I am connected, whom I may be called upon to repress. With what consistency can I, as deputy lieutenant or justice of the peace, put down at the point of the sword those whom distress has goaded to madness, and who from time to time are outraged by acts of this kind?" The noble lord concluded by moving, that the House concur with the commissioners, that five Barons of Exchequer in Scotland were unnecessary, and that four were sufficient for all the business of that court.

In reply to these observations, the defence of the measure was undertaken by Sir William Rac, Lord Advocate. On him it naturally devolved, both as holding an office usually supposed to include that of minister for Scotland, and as having taken an active part in forwarding the appointment. The constitution, he observed, of the Court of Exchequer, was founded upon the national contract at the union of the two countries—a union which proved satisfactory to the people, and promoted the interests of that part of the country, for more than a century. That contract was not to be wantonly broken in upon. The appointment took place in consequence of a circumstance connected with the trial by jury, lately introduced into Scotland. Mr. Adam, Lord Chief Commissioner of the Jury Court, and to whose zeal, talents, and good management, the success of the experiment was mainly owing, found his duties as Baron of Exchequer incompatible with due attention to the business of that court. He therefore resigned the former, that he might bestow on the latter his undivided attention. With regard to the choice made of a successor, an individual better fitted for the situation could not have been found. He had held the office of principal Remembrancer in the Court of Exchequer from the year

1799 till last year, except one year that he held an office in London. He was by this means better fitted for the ministerial and judicial functions of a baron than he could have been by the longest practice as an advocate in the Courts of Justice. As the English law is the law of the Court of Exchequer, a barrister had to learn all the forms and rules of the Court when appointed to preside in it as one of the Barons. The noble lord had said that he had performed his office by deputy, but he (the Lord Advocate) knew that he had performed it personally, since 1799 till last year, except the year that he had an office in London. Nor was such an appointment of an inferior officer without precedent, for Baron Moncrieff had been deputy King's Remembrancer for 25 years before he was appointed one of the Barons. Another remark he begged leave to make here, respecting the selection of the individual. By his appointment a very considerable saving was occasioned, because the office of King's Remembrancer ceased, on its becoming vacant, by an act of an honourable member on the floor. The saving hence arising amounted to one half the salary of one of the Barons of Exchequer. By the statute of Anne it was enacted, that the number of Barons should not be fewer than five. The expression was, "should not exceed five;" but this, he contended, in Parliamentary language, implied the same thing. "We always have been accustomed to five," said his lordship; "you have always been accustomed to four; we prefer five, according to what we have been accustomed to; you prefer four, according to your custom." The nature of the business required an admixture of Scotch and English lawyers, of the former, there could scarcely be fewer than three, or of the latter than two. If there



should be a division of opinion respecting the granting of a charter to an individual, what could be done? It might be of importance to an individual at the moment when an election approached. The noble lord had himself alluded to elections. A judge could give up his opinion where a court of review decided against it; but why should a judge give up his opinion, if an honest and conscientious one, when there was no court of review? The consequence would therefore be, when there was an equal division, that no charter and no tutory would be issued. He could not see how such an evil could be remedied without an inequality of numbers. He contended that the commissioners had exceeded their powers, and went entirely out of their way, when they reported on the constitution of the Court of Exchequer. Their instructions were, as stated in their own report, to inquire into the fees, salaries, and emoluments of the several clerks, officers, and ministers of justice. Now, he would be glad to know under which of these heads the "judges" were meant to be included? As to the commissioners themselves, with all the respect and esteem which he entertained for them personally, he must say that he did consider them to be unqualified. One of them, after practising at the bar, went into the country and lived upon his estate, without returning to his practice; another went to India, and, after staying there for some time, returned, and lived almost entirely in the country; and a third, having also practised some time at the bar, retired to his estate, improved the country round it, but never returned to the profession. Now he thought proper to mention these circumstances, because he would submit to the House that the opinions of that commission could not be entitled to any great

weight, even if it stood alone, and unopposed by the weighty opinion of the late President of the Court of Session, Sir Hay Campbell, but above all, of the Chief-Baron Shepherd—an individual who had gone so lately from this country, after acquiring a thorough and extensive knowledge of the whole body of the laws of these kingdoms, and whose special duty it was, if it were any one's, to say whether an appointment of this nature was or was not necessary. He did not know what authority the Chief-Baron's name might have there; but certain he was, that in his (the Lord Advocate's) part of the country, they felt grateful to his Majesty's ministers for having sent among them a man whose talents as a judge were not more respected than his virtues as an individual were admired. After attaining to very high honours in his profession, he declined those highest ones to which he might reasonably and certainly have aspired, and, in the discharge of his duty, was willing, at his time of life, to undertake that duty, accompanied as it was with the necessity of forming new connexions, and in a distant part of the kingdom; although the office was of a nature far below that which he might have been entitled to claim. He submitted, then, that unless they were willing to suppose that there was something infectious in the air of Scotland, which had the effect of instantly destroying that character of honour which an individual had sustained through life, it was utterly incredible and impossible that the learned judge in question, when called upon to decide on the constitution of the court over which he was to preside, should have concurred in the propriety of an appointment of which he did not see and feel the necessity. It was a mistake that the late Lord Chief Baron was ever more than a year absent

from the court at a time; this was when unavoidably obliged to go abroad by the state of his health; but even when generally residing at Bath, he came and attended the regular terms.

Some observations were made by Sir John Newport, in defence of Lord Archibald Hamilton's motion.

Lord Castlereagh now came forward in defence of the appointment. The noble lord (A. Hamilton) had called upon the House, without previous inquiry, without any evidence in the appendix of the report, and without suggesting any facts on his own authority, to come to the conclusion that the constitution of the Court of Exchequer in Scotland ought to be changed—that that constitution for ages had been faulty—and that the decision of certain commissioners ought to be preferred to the deliberate judgment of the learned heads of all the different Courts. Lord C. indignantly repelled the insinuation that ministers felt any reluctance to redress and reform actual abuses; but to represent them as looking only to influence and patronage, and all public virtue and purity as monopolized by their antagonists, was a language by no means new to gentlemen on the opposite side of the House, and particularly convenient at the opening of a new Parliament. He did not mean to blame the commissioners for travelling into various matters, and making the suggestion they had done respecting the Court of Exchequer; at the same time, if it had been the purpose of the House to authorise them to examine into the constitution of the Courts of Scotland, as well as into the mere details of fees, he could not help thinking that individuals of a different class would have been more properly nominated to such high, important, and extensive functions. He believed that the present was the first occasion on which the House had

been required to affirm, not the report of a deputation of its own body, but the mere dictum of four out of five gentlemen in no way connected with Parliament. He could not agree to the present motion; on the contrary, he should move the previous question upon it; but he would assent, on any future day, to refer the whole question to a select committee. The noble lord (A. Hamilton) seemed to think that he had made out a good case in favour of four Barons, if he could shew that even once the business of the court had been transacted without the presence of the fifth; and because he found that one ministerial officer was a poet, he jumped at the conclusion that all the offices could be discharged as well by poets as by lawyers. Yet was it not known to all who heard him, that the brightest luminary of the law of modern times, Lord Mansfield, had long been incapacitated from attending the court to fulfil his judicial functions, and no man had been so obtuse in his faculties as to argue from thence that the office of Chief-Justice was a sinecure. He begged to be allowed to say, that of all economies abhorrent to common sense, that was the most absurd which regarded the bench—to secure the pure administration of justice was always the best economy. He must congratulate the other side of the House upon the cheerfulness they displayed. They were never so happy as when they had got some paltry thousand pounds to peck at: as soon as they had hold of a particular sum, how they rejoiced in their supposed advantage, until the necessity of its payment was shewn, and then they endeavoured to overcome argument by clamour. The constituents of the noble lord were a little too enlightened to be persuaded even by him that the addition of a poor thousand pounds would make a serious differ-

ence in their domestic finances. Did the noble lord seriously mean to be understood that the sum of 1000*l.* would make all the difference between practical allegiance and open rebellion in Scotland? He had every respect for commissioners and their reports; but he could not help remarking, that if their suggestions were held conclusive and mandatory—if they were to be erected into judges in supreme, without appeal—it would throw the whole organization and administration of the country into irremediable confusion.

Mr Tierney made an animated speech against ministers, and endeavoured to ridicule the shifts to which they had recourse in opposing all economical reform. If a proposition were brought forward for some general financial reform, then the cry of the other side was, that the whole fabric of the state was about to be overthrown; and if a particular practical retrenchment were suggested, the cry was, "What a fuss you are making about nothing—what a noise about one or two thousand pounds!" In fact, if ministers were credited, they were the only proper judges of what public money should be spent, and who ought to spend it. It was impossible for them to be economical—they were obliged to call in the aid of patronage and influence for their support—they existed upon it—it was the foundation of all their hopes, and they could not lose even the fifth part of a fifth Baron of the Exchequer, without some risk to their stability. The establishment was the strong-hold behind which ministers entrenched themselves. If any body spoke of removing the third Secretary of State, or of abolishing the Secretary at War, the cry was the same—"it breaks in upon the establishment:" it was soon very easy to cail the establishment the constitution, and then woe to the

man who lifted his unhallowed hand against it! The noble lord had certainly made a very dexterous speech—it possessed all his wonted circuitous ingenuity, and the result must have satisfied the House, that if his health had recently suffered, his intellects and abilities were as great as ever. The Lord Advocate had come down to the House like a true Scotchman, that was, like an honest man, and had maintained that nothing could induce him to think the appointment of a fifth Baron wrong—five was the true, orthodox, infallible number in Scotland; and that no change was wanted, and no inquiry to produce one. But what was the conduct of the noble lord? First, he makes the appointment—then he justifies it—and, thirdly, he requires a committee to ascertain whether it was right or wrong. But, looking at the whole of the circumstances, he would ask—could any man say that this was not a plain, downright, unequivocal job? The fact was, ministers dared not refuse the appointment of Sir Patrick Murray—he did not intend by any means to disparage the qualifications of that gentleman, but the ministers were afraid to refuse his appointment. They well knew that if they had done so, they would have lost some votes in that House. The present Chief-Baron of Scotland (Sir S. Shepherd) had lately been an ornament to that House. He went down, not fully acquainted with the practice of the Scottish courts—a stranger amongst them—and it might have been said, "Don't you think we ought to have five Barons instead of four?" to which he, in his good nature, would say, "In the name of God, let us have five;" and then the Scotchmen cried out, "Five for ever!" Considering how favourite a number five appeared to be in Scotland, and what infinite mischiefs might result from re-

ducing it to four, it was somewhat odd that the Lord Advocate should have consulted the opinions of only four heads of courts. With still greater singularity he had actually appealed from the magic and mysterious five to dangerous and neglected four, and now set up the opinion of four judges against the decision of five commissioners. In short, Mr. T. contended, that the present appointment was a manifest abuse; and that if the House were entrapped by Lord Castlereagh's

proposition into rejecting the present motion, they would put an end to all hope of economy and retrenchment.

After a few words from Mr W. Dundas on the ministerial side, the House divided, when the motion was negatively, but by a majority so small, as plainly shewed a strong sense unfavourable to the appointment. Of 366 members present, 177 voted for the motion, and 189 against it, making a majority only of 12.

## CHAPTER V.

## MISCELLANEOUS PROCEEDINGS.

*Mr Holme Sumner's Motion relative to Agricultural Distress.—Lord Lansdowne's Motion relative to Foreign Trade.—Other Debates on this Subject.—Motion for Disfranchising Grampound.—The Alien Bill.—Mr Brougham on the Education of the Poor.—Welsh Judicature.*

THE subject which, beyond perhaps any other, occupied the attention of Parliament during this early period of the session, was the very serious distress in which the agricultural interest was involved. The great depression consequent upon the low prices of 1814 and 1815 had been sensibly mitigated by the rise which ensued after the scanty crops of 1816 and 1817. The plentiful produce of 1818, however, caused a rapid fall, and though that of 1819 was much inferior, yet the ample stock on hand caused the depression of prices still to continue, when there was no superabundant quantity to compensate for it. A general cry of distress rose among the landlords and farmers in the different quarters of the kingdom, and petitions to Parliament for relief were poured in. There is a sort of impression throughout this country, as if parliament were omnipotent—as if its empire extended over the mar-

kets, the seasons, and over nature itself. It did not appear very conceivable that a power which could make war and peace on earth, and could sway the destinies of twenty millions of men, should not be able to regulate the price of a peck of oatmeal, or a pound of butter. It was some time, indeed, ere Parliament itself became fully aware of its own impotence, or could believe that all its ponderous machinery of committees, examinations, and reports, had no action whatever on the movements of the economical machine. By welcoming and acting upon the applications made to it, this assembly encouraged the false expectations which the nation had been led to cherish from its interference. Buoyed up by these, the farmers now came, and demanded that Parliament should procure for them a price for their grain, such as would pay the expense of cultivation. The fact, however, was, that Parliament

had already done all which legislative enactment could do. It excluding foreign grain when wheat was under 80s. a quarter, it secured to the farmer all the monopoly which the nation would possibly submit to. Under the experienced failure of this provision, however, the views of the agriculturists had taken a different turn. The general call was now for a high permanent duty, to be levied equally, whatever the price of grain might be. Prohibition had failed, and permanent duty being something different, had at least no positive experience against it. It does not seem to possess any other recommendation. A complete prohibition, so long as it operated, was certainly a more powerful instrument than any duty could be; and when the price rose to a great height, it was easy to foresee, that no nation whatever, least of all this nation, would long bear a high duty on its import. These considerations notwithstanding, it was understood that the heads of the agricultural interest were determined to make a push for the adoption of this new system. They did not, however, advance to support it with open front, but judged it prudent to make their approach by the slow and circuitous process of a committee.

During the early part of the session, several desultory conversations took place at the presentation of the successive crowds of petitions; but it was not till the 3d of May that the subject was regularly, and on a great scale, brought before the house. Mr Western was the individual under whose auspices it was understood to be peculiarly brought forward; but as he then laboured under indisposition, Mr Holme Sumner, a highly respectable landed proprietor, and a moderate supporter of ministers, undertook the task of introducing it. He began with denying any feelings

hostile to the merchant or the manufacturer, or any wish to obtain a monopoly for the agriculturists. He only argued, that the House having in 1815 taken the petitions of the agriculturists into consideration, resolved that some protection should be afforded them; and the committee appointed to inquire into the subject reported, that, unless a remunerating price of 80s. per quarter of wheat were secured to the farmer, it would be impossible for him to go on. Now, the prayer of the petitions at present before the House, with the language of which honourable members were sufficiently acquainted, was, that the petitioners should have such a remunerating price as would enable them to carry on their trade: they did not ask more at present than the House had formerly acknowledged that they were entitled to; but they shewed that the provision which had been made for their protection in 1815 was totally inadequate to the purpose for which it had been intended. Nobody, he maintained, could be more loyal than the agriculturists, and no complaints could be more free from any taint of discontent at the burdens which had been brought upon them by the late arduous struggle. They were grateful for the security of liberty and property which they enjoyed in consequence of it. It was obvious, however, that agriculture was in a state of rapid decline since 1814, and that it was falling off more rapidly than ever. An honourable gentleman, whose opinions on the subject of political economy had great weight, had said, that if it could be shewn that the agriculturists bore a greater proportion of any public burdens, such as poor-rates, than other classes of the community bore, Parliament should afford them assistance. Now, could the honourable gentleman doubt that there were burdens on the agriculturists

from which other classes were exempted? What would the honourable gentleman say to the weight of the whole church establishment, which was borne exclusively by the landed interest—to the whole country expense, to the whole expense of all the highways in the kingdom, except that of the turnpikes? It was impossible that the agriculturists of a country so situated could, without the assistance of some restrictive measures, compete with foreign markets, when corn from the Black Sea could be brought into our ports at half the price at which our own farmers could afford to sell it. Some persons might say, “since grain can be procured from foreign countries at half the price, why grow any here?” If this principle were admitted, it was clear that the agriculturist must withdraw his capital; and the consequence would be, that Great Britain must be rendered wholly dependent on foreign productions: one of the most beautiful countries in the world would thus be converted into a perfect desert, and thrown into a state of dependence on foreign imports for the necessaries of life. The agriculturists pledged themselves to prove, that the bill of 1815 had left them nearly as unprotected as if it had never passed. In striking the average, a system of fraud and falsehood had been practised, by which the interests of the agriculturists had suffered most materially; for, since the year 1815, the English grower had not received an average price of 72s. The honourable gentleman declined mentioning any specific measure; at the same time, he gave it to be understood, that the success of the present application would be followed up by a request to adopt some such measure for their relief.

Mr Gooch, in seconding the motion of Mr Sumner, went over very nearly the same ground.

Mr Robinson, the member of administration, under whose superintendence the concerns of trade, and particularly of the corn trade, were peculiarly placed, rose to express the sentiments of himself and his colleagues. Among the various subjects to which the attention of Parliament was directed, none required to be treated with more reserve and caution, and, he would add, with less frequency, than the question which his honourable friend had this night submitted to the House. The discussion of all topics connected with the subsistence of the people gave rise to so much apprehension, that in all countries the agitation of these subjects was thought to involve great danger. He regretted, therefore, to find the question of the corn-laws introduced at present. When it was mentioned last session, ministers had unequivocally declared their disapprobation of any change in the existing law. Admitting that there certainly existed distress, he yet conceived it to have been a good deal exaggerated. He did not see the usual symptoms of general agricultural distress; he did not see tenants leaving their farms; he did not see individuals taking them on speculation as they became vacant; he did not see the poor-rates increasing. The depression appeared to him to arise simply in consequence of the change from a state of war, the circumstances of which had afforded encouragement to the cultivation of inferior lands, such as could be rendered productive only at an expense which prices in time of peace could no longer pay. The law of 1815 was said to be ineffectual, because it did not produce to the farmer a constant price of 80s. for his corn. It was said at the time, by some honourable gentlemen, that if the bill were brought in, then 80s. would be the minimum; but he had contended, on the con-

trary, that it was calculated rather to make 80s. the maximum price; and so the event had proved. But as to the observation of the honourable gentleman, he could only say, that if the bill in question had failed to produce a price of 80s. to the farmer, it had failed to do that which, in truth, it never was intended to do. He did say, that the advantage contemplated was that of removing from the farmer the terror of an influx of foreign corn at all times, which it was hoped would lead to such an extension of capital to be employed in agricultural objects—he did not mean to say an unwise or extravagant extension—but such an increased cultivation of land, that the quantity of corn raised in this country should be adequate to its consumption. It was strange, that those who expected that the corn-bill was to produce a price of 80s., and declared that the agriculturists were ruined because it had not done so, would find that the price in the last five years averaged not less than 78s. 10d. If they looked at the imports of corn from the year 1792 to the year 1812, they would find the average importation (of wheat) to have been, as nearly as possible, during those 20 years, rather less than 500,000 quarters annually; and it so happened that the average price, for the same period, was about 78s. 6d. It did therefore appear, that during the last five years the annual average price had been much the same with that of the other period he had mentioned. If, then, the average price of corn, taking it from 1793 to 1812—a term of 19 years—had been sufficient to induce the employment of additional capital in agriculture, and to place the farmer, in point of his price, in that situation which they must all wish to see him stand in; and he, in common with every other person pos-

sessing landed property, need not desire to see him situated otherwise than beneficially: if, he said, that price had been sufficient to enable him to cultivate his ground with spirit, and with advantage to himself and to its owners; he really saw no ground for contending that it was not calculated to produce, during the last five years, something like the same beneficial results. They had heard a great deal of the existing distress as connected with this measure in some degree, but how could that distress be possibly charged upon the corn laws? No foreign corn had been imported since February 15, 1819, and he supposed there was scarcely a quarter of foreign corn now in a private warehouse. However low the price of corn might now be, he conceived that it was impossible to change that present low price by legislative enactments. The honourable member (Mr Holme Sumner,) in his opening, had said, that the petitioners asked for no specific remedy. He hoped that they did not: it gave him great satisfaction to find, that the specific remedy, which every agriculturist had been told was the only one that could save him, had not been touched upon by his honourable friend—he meant that enormous, that monstrous, that outrageous proposition, the laying on a permanent duty of 40s. per quarter upon corn imported. On the subject of averages, he was convinced that a great delusion prevailed. He had particularly examined the different methods which it was proposed to substitute, and had ascertained that none of them would make any sensible difference. He would not object, however, to an inquiry into this subject, as there might prevail, he believed, some local abuses. The best persons were not always chosen for the office of inspectors; for instance, in



one of the Welsh counties a lady had been appointed. If any measure could be proposed, which would render the existing law less liable to abuse, he, for one, would give it his support. But he really felt that he should abandon the duty which he owed to his country, to that house, and to the character of the office with which he was connected, if he did not protest against every change in a law which, while it could extend no relief to this class of the community in the present instance, was calculated to occasion much general inconvenience and injury by being unnecessarily altered.

Mr Western, notwithstanding his indisposition, made a short speech in support of the motion. He insisted particularly on the dependence of the manufacturing interest upon the agricultural. It might be proved, by fair reasoning, supported by facts, that the depressed state of agriculture was the primary cause of the distresses of the manufacturer; in all cases the farmer first had been embarrassed, and the difficulties of the manufacturer had followed as a consequence. He need refer no farther back than to 1815 and 1816 for proof of what he had advanced; while, in the beginning of that period, wheat was 120s. per quarter, the manufacturers were flourishing; and when the price fell to 65s. or 70s., then they began bitterly to complain. In 1817 it was known that agriculture began to revive, and with it, of course, the manufacturing districts felt the alleviation.

Mr Baring, a leading representative of the commercial interest, expressed his high satisfaction with the view which had been taken of the subject by Mr Robinson. He himself had opposed the corn bill in the first instance, but had said no more on the subject since, being convinced of the general impolicy of disturbing the

system on which a great country moves and acts. It had now proved totally inadequate to its objects, and had shewn the impossibility of putting a permanent artificial price on a necessary of life by any legislative experiments. In what situation would the poorer, the industrious and labouring classes, find themselves, if the price of corn were now at 40 or 50 per cent higher than it actually was? His honourable friend (Mr Western) had not stated to what extent he would wish the price to be carried; but what, he would again ask, must become of those multitudes, those beehives of population, that were to be found in our manufacturing towns, if any considerable addition were to be made to that price? Already we stood at double the price of the rest of the world, but with this some honourable gentlemen were not satisfied: would they then wish it to be trebled? It was true that the farmer was now suffering; so was the manufacturer, and indeed every class of the community. His honourable friend seemed to think that the cause of all the evil was, that the farmer could not purchase from the manufacturer; but so it might be represented the other way, that the manufacturer was not able to deal with the farmer, or find consumption for his produce. It had been recently shown to the house by a great proprietor at Birmingham (Mr Spooner,) that there had been a falling off from 56,000 to 48,000 cattle in the consumption of that town. The great decrease in the demand for landed produce, arose from the inability of people to pay for it. He admitted that there was much suffering, particularly among the class of smaller landed proprietors, but conceived it was in vain to look for a remedy. Prices had been forced up, and they must inevitably come down.

Mr Frankland Lewis was inclined

to support the plan of a protecting duty, but on a principle opposite to that adopted by the agricultural leaders. He wished a duty moderate in amount, as a milder measure, and as affording less obstruction to trade than an absolute prohibition. The mode in which protection was at present given was very inconvenient. He conceived that the adoption of a prohibition was a worse course of proceeding, with reference to the protection of the agriculturist, than a positive duty. The existing system operated as a prohibition to a certain extent; and, as it so operated, it must occasion a sudden alternation from a prohibition to an unlimited supply—a state of things the most mischievous that could be imagined. The country was not now in a situation, with regard to cultivation, including rent, perfectly different from that in which it stood in 1815, when the corn law passed. He believed the expense of cultivating a farm was diminished nearly one-third. This he stated as the result of inquiry; and he was in the hearing of those who could contradict him if he erred. If the fact wanted corroboration, it was to be found in the manifestos of the agriculturists themselves, where the reduced price of labour was stated over and over again. That, however, was not all; there was likewise the reduced price of horses, and of almost every thing necessary for farming. This created a very essential difference. Then what was the result? It was this—that those who had invested capital when the prices were high, must be nominally losers at this time; but that, if any persons now invested fresh capital in agricultural pursuits, they would stand at a charge one-third less than they formerly could do. The protection recommended in 1815 proceeded on the expense of cultivation, including rent. That expense was now every way diminished.

They could not shut their eyes to this fact, and declare that that which was right in 1815 ought, under very different circumstances, to be considered right now. He could not but persuade himself that the time was not far distant when it would be found necessary for them, in some degree, to retrace their steps, and to adapt the protection to the altered state of expense; when, instead of increasing that protection, they would feel a sincere desire and an anxious wish to examine this question, with a view to the alteration and amendment of the existing system.

Lord Milton generally concurred in Mr Robinson's views, but could not agree in the expediency of that limited inquiry to which he had shewn a disposition to assent. If there was an inquiry at all, it ought, he conceived, to be on the broadest and most extensive scale, and to include the employment of the people, the means of subsistence, trade, the currency, and all the means of national subsistence.

Mr Curwen was for a fair and full inquiry, which should take into consideration the general interests of the community, and the mode of equalizing the burdens upon each class. He wished the fundholders to bear the public burdens equally with the landholder, and would therefore be inclined to support a modified income tax, instead of the taxes on salt, leather, soap, &c. which pressed directly on the poor.

Mr Ricardo opposed the bill, and all restrictions on the corn trade in general, upon those principles of political economy which he had so profoundly studied. It became the legislature, not to look at the partial losses which would be endured by a few, who could not cultivate their land profitably, at a diminished remunerative price, but to the general in-

terests of the nation ; and, connected with this, he would look to the profits of capital. He would rather have a great quantity of produce at a low rate, than a small quantity at a high. The right honourable gentleman opposite (Mr Robinson) appeared inconsistent, when he denied a committee to inquire into the more important question, and yet agreed to one for discussing such trifling matters as striking the average. This was not what the petitioners wanted: they declared that they could grow as much as the home market required, and they demanded a monopoly of it. The soil of the country could produce as much, as the consumption of the country, but could it be done as cheaply as in other countries? We might as well grow beet-root for the purpose of producing sugar, because it was possible, as grow grain sufficient for home consumption, because it could be done. With respect to economy, nothing could be said in favour of restriction. But it was argued that, in war, dependence on foreign countries for supplies of corn would be most dangerous. But an interruption to such commerce would be more disastrous, if possible, to the exporting than to the importing country. When the supply became greater than the demand, the effect was more injurious with respect to corn than any other article. It could not be preserved for a more favourable season. What then must be the situation of a country who found their exports in corn returned on their own market? The distress, agricultural and commercial, in this country, was not one-tenth of such a case. Besides, were we to be at war with all the world at the same time?—This would be the happiest country in the world, and its progress in prosperity would be beyond the power of imagination to conceive, if we got rid of two great

evils—the national debt and the corn laws.

The motion was supported by Mr Bennett and Mr Coke, and opposed by Mr Huskisson, Mr Ellice, who moved the previous question, and by Lord Castlereagh. But the speech which excited most interest, was that of Mr Brougham, who espoused the side of the question opposite to that which might have been expected from his views of political economy, and his adherence to the popular cause. It appeared to him that it would be indecent to turn a deaf ear to a motion founded on the petitions of such a numerous body as the agriculturists of this country. Entertaining some doubts as to the present motion, he supported it, because there was no other before him. His honourable friend (Mr Ricardo) seemed to argue this question as if he had dropped from another planet—as if this were a land of the most perfect liberty of trade—as if there were no taxes—no drawbacks—no bounties—no searchers—on any other branch of trade but that of agriculture; as if, in this Utopian world of his creation, the first measure of restriction ever thought on was that on the importation of corn; as if all classes of the community were alike—as if all trades were on an equal footing; and that, in this new state, we were called upon to decide the abstract question, whether or not there should be a protecting price for corn? But we were not in this condition—we were in a state of society where we had manufacturers of almost every description, protected in every way, even to criminal enactments, to prevent the raw material from going out of the country, in order thereby to assist the native manufacturer. He complained of the little regard which was generally paid to the agricultural, in comparison of the manufacturing interests. Sir Robert

Walpole had compared the agriculturists to a flock of sheep, and said that, like sheep, they were shorn without repining; but the complaints of the commercial and trading classes, when any thing affected them, he had compared to the noise of another animal, which, out of regard to that respectable body, he would not name. The circumstances in which the country was placed were such, that even poor land was eagerly sought and diligently cultivated. It was hedged, and ditched, and improved so as to become the depository of a large portion of British capital—that capital had been so employed—this land was now under cultivation—it contained the capital, he might almost say the life, of the cultivators—and it would be as reasonable, under such circumstances, to refer back to the period he had mentioned, or to say that they should go for their grain to Poland, where the serf cultivated the soil for his lord—because at Poland it could be got cheaper than they could now produce it. If the trade were now thrown open, the inevitable consequence would be, that, in the next season, 7 or 800,000 of acres would be thrown out of cultivation, and those dependent on them out of employment. Was there any man bold enough to look such a difficulty as this in the face?

The question being called for at a late hour, the original motion was carried by a majority of 150 to 101.

This result caused universal surprise, even in the supporters of the measure, and general dismay in its opponents.

Lord Castlereagh deplored and lamented from the bottom of his heart the decision of the House. So little had he anticipated such a result, that, being asked by several persons whether he thought there was such a difference of opinion as would make it

necessary for them to remain in the house till the division, he had told them that nothing was so unlikely, from the temper which the House had evinced during the debate, as an effective support of the motion. If he had thought that it would have had so many supporters, there would have been a very different attendance of members, and a very different result from that which had taken place.

On the motion of Mr Baring, the nomination of the committee was adjourned to the following day.

This delay passed not unimproved by the opponents of the motion. The vote indeed once passed, could not be rescinded; but Mr Robinson, following up an idea originally thrown out by him, proposed, that the inquiries of the committee should be directed solely to the mode of striking the averages. This motion was supported at considerable length by Lord Castlereagh. It was vehemently, indeed, opposed by Mr Brougham, who asked: Was the result of the debate last night no vote of the House? Right or wrong, he considered that by that vote they had pledged themselves. Ministers found themselves in a minority where they had calculated upon a certain majority; and they, therefore, were now endeavouring to get rid of the result of a solemn debate by a sort of side-wind, by an unfair manœuvre. It was said that the agitation of the question was spreading an alarm through the country. He appealed to those gentlemen who were so much alarmed about alarms; to those whose terrors terrified the land; whose fears were excited at one time about the price of bread, at another time about the price of bullion, and at another about the law of the land, as established—ever since 1815; at one time about this thing, at another about that—he appealed to them on the present occasion. He called on,

them just to apply a little of their alarm to this subject; and he would ask them whether there were not just as solid grounds for that alarm about the effects which might follow the rejection of these petitions; it was, unfortunately, too much the fashion to cry up the distresses and the forbearance of the artisans alone, forgetting the claims of the more scattered, and no less meritorious, peasantry—to fear the resentments of the one, because they were a more organized and more collected community than the other, who were more thinly spread over a larger surface. Unless their feelings were to be falsified, and themselves to be lessened in the eyes of the country, he thought that honourable gentlemen ought to consider what had occurred last night as a solemn discussion of the merits of a question, which was now sought to be got rid of without one tittle of argument beyond what had been endeavoured to be then sustained.

Notwithstanding the strength of this appeal, the fate of the question was from the first decided. The opponents of agricultural inquiry had mustered their strength, and Mr Robinson's limitation was voted by 251, while there were against it only 108, a considerably smaller number than had voted the night before for general inquiry. The possibility of any important change in the corn laws was thus evaded. Before the close of the session, the committee presented a report, which will be found in the Appendix, but upon which no legislative measure was founded.

The commerce of Great Britain occupied also, during this session, a large share of public attention. Those lights of political economy, which had shone so bright towards the close of the last century, and seemed to be guiding the nations into a more enlarged and liberal system, had of late

been greatly dimmed. The doctrines which proved liberty to be essential to commercial prosperity, were not indeed absolutely denied, but they were represented as unfit for the purposes of practical regulation. The deadly enmities which reigned among the members of the European commonwealth, had led each into the habit of considering an injury done to another as equivalent to a benefit obtained for itself. Cool reflection and severe experience were now fast opening the eyes of the British public. Not only was it now generally admitted, that nations would gain most by freely opening their ports to each other; but it was even recognized, that though one side denied this reciprocity, the other would consult its advantage in not retaliating. Petitions from the cities of London and of Glasgow were laid before the House of Commons, in which the most liberal sentiments were expressed upon these subjects. It was in the House of Lords, however, that the discussion was carried on upon the most extended scale, being introduced by Lord Lansdowne, a nobleman early imbued with profound principles of commercial economy. On moving on the 26th of May for a committee of the Lords to inquire into the subject, he entered at large into the improvements of which it might be susceptible. He meant to confine the proposition he had to make, to the appointment of a committee on the foreign trade of the country. He had chosen this course, because he was convinced that any more extensive inquiry would only open an arena, into which every chivalrous political economist would hasten to take his stand; into which every theory would be introduced, and where every opposing interest would have found a field of combat. In any committee of general inquiry, useful discussion would be impracticable,

endless contests would arise, and inquiries would be pursued without leading to any result. Nothing, however, could be farther from his intention, than to favour any one class or pursuit in preference to another. This indeed was impracticable, in consequence of the intimate mutual dependence between them. The experience of the last ten years could not be thrown away on their lordships, and he trusted it would not on the country. In the year 1815, they had seen the distress of the agricultural body visited on the other interests of the community. They had afterwards found the distress of the manufacturing interest visited on the growers of corn and the raisers of every kind of agricultural produce. From these alternate visitations, who could fail to see that the order of nature had linked together all the interests of men in society? Commerce and manufactures had made the country what it was, and by them it must be maintained in the rank to which it had been raised. No axiom was more true than this—that it was by growing what the territory of a country could grow most cheaply, and by receiving from other countries what it could not produce except at too great an expense, that the greatest degree of happiness was to be communicated to the greatest extent of population. He was aware that the question could not be considered in a mere abstract manner; that there were many prejudices to be removed, and many conflicting interests to be reconciled, before any improvement could be effected. Nations had been expending their capital instead of their revenue, and a numerous population had been called into existence by a demand for labour which no longer existed. The most obvious remedy was to create a demand for our labour and our manufactures; and the most obvious mode

of creating that demand, was to encourage and to extend our foreign trade by removing some of those restrictions by which it was shackled. In looking towards such a relaxation, two things ought to be taken into consideration by their lordships: first, the necessity of raising our revenue; and, secondly, the justice and expediency of consulting those interests which were vested in our existing trade, on the faith of the continuance of the regulations under which it was now carried on. But those things were not to be lost sight of—they ought not to prevent changes which higher interests and a wiser policy demanded. They ought, in short, to recollect that liberty of trade should be the rule, and restraint only the exception. He would first of all venture to say, that there ought to be no prohibitory duties, as such—that where a manufacture could not be carried on, or a production raised, but under the protection of a prohibitory duty, that manufacture or that produce must be brought to market at a loss. The name of strict prohibition might therefore in commerce be got rid of altogether; but he did not see the same objection to protecting duties. He would even suggest a certain relaxation in the navigation laws, though not such as could justly give rise to any jealousy. He would propose to allow produce from all parts of Europe to be imported, without making it necessary that it should be altogether in English-built ships, or in ships belonging to the nation whence the produce comes. At present a vessel which had taken part of its cargo in a French port, and which afterwards had proceeded to a Flemish port for the remainder, could not enter a British port. All that he would propose would be to allow such a vessel to make good its assortment in different ports in Europe, and still to

have the right of entering this country. He would make one exception to this relaxation of the navigation laws—he would not allow the importation of colonial produce in this manner. The third point to which he would advert, was one of no inconsiderable importance in itself, and of still greater consequence from the principle which it involved—he meant an entire freedom of the transit trade. Whatever brought the foreign merchant to this country, and made it a general mart—a depot for the merchandise of the world, which might be done consistently with the levying of a small duty, was valuable to our trade, and enriched the industrious population of our ports. Such freedom of transit allowed of assortment of cargoes for foreign markets, and thus extended our trade in general. A duty of 15 per cent on the importation of foreign linens, was, during the war, thought necessary to protect the linen manufactures of Ireland. No injury resulted from that arrangement while we engrossed the commerce of the world; but now the case was altered, and many who were interested in the linen manufacture of Ireland, thought a relaxation of the transit duty advisable. If we refused to admit German linen without the payment of a transit duty, the foreigner would rather go to Germany for the article; he would then either pay the duty which we imposed, or take a less valuable article as a substitute; and as linen might be a necessary article in the assortment of his cargo, this duty would drive him away altogether, even when desirous of obtaining other articles which our soil or industry could supply. He now came to a point which involved important interests—he meant the state of the trade with the north of Europe, and the duties imposed on the importation of timber from that quarter. The mea-

sure was expressly of a temporary nature, and was necessarily to be brought under review in March next. The interests now vested in the timber-trade to our North-American colonies, grew out of what was considered as a temporary arrangement, and had of course no security against a change which the general interests of the nation might require. The American merchants represent, that, from the length and difficulty of the voyage to North America, the larger part of the value of the timber thence imported consists of freight; and that the mere circumstance of the proximity of the northern ports of Europe, by enabling ships to repeat their voyages frequently in the course of a year, would reduce the number of British vessels employed in the timber-trade to one-third. They therefore said, that whereas it was expedient that they should be employed—and whereas they could not be so employed if they procure timber where it is cheapest and best—they therefore should import it of the worst quality, and from the greatest distance. And let their lordships consider what the article was that was thus to be raised in price, while it was deteriorated in quality. It was the raw material of our houses, of our bridges, of our canals, and of our shipping itself; and so inconsistent were the petitioners, that they asked to continue duties which increased the expense of their own trade. Suppose it were proposed, on the same plea, to bring our cotton from the East Indies, instead of importing from America, he did not see on what grounds those could resist such a proposition who argued that we ought to import our timber from Canada rather than from Norway. The committee would consider how much of the duty might be taken off the timber from the north, and what regulations might be adopt-

ed to reserve to Canada the supply of masts, for which its timber was peculiarly fitted. It deserved serious consideration how much more we paid for the timber from Canada than we should pay for that from the north of Europe. By a calculation which he had made, the difference was not less than 500,000*l.* annually for the whole country, and in the port of London alone 100,000*l.* had been paid on account of this prohibitory duty. He would now advert to another subject of great importance—the state of our trade with France, and particularly in the article of wine. Their lordships must know that a duty of 14*3*/<sub>18*s.*</sub> was imposed upon the tun of French wine, while only 9*5*/<sub>100*l.*</sub> was imposed upon Spanish and Portuguese wines. There had been a falling off in the duty in the last year of 220,000*l.* Now, although the government of France was not disposed to enter into any commercial treaty, or to make any liberal arrangement for receiving our manufactures in exchange for their wine, he would not allow but that some change should be made in our present trade with that country. What he had said with regard to the wines of France, would apply likewise to its silks: and if our own manufacturers in silk were to suffer temporarily by a removal of the prohibitory duties, this was a case in which he would willingly agree to a large parliamentary grant for the purpose of indemnity. He now came to a subject which, with whatever difficulties it might be surrounded, had at least this advantage, that it would relieve and benefit the shipping interest. It would be impossible for their lordships not to recollect and to apply the fact, that from one of the largest, most fertile, and most populous portions of the globe, that immense space which lay between Africa and America, the general British merchant was excluded. From

the time that he doubled Cape Horn, or the Cape of Good Hope, he found his commercial operations cramped, and his enterprize restrained; not by the nature of the country, for it was rich and adapted to commerce; not by the indisposition of the people to trade, for they were numerous, industrious, and disposed to exchange their productions for ours; not by the difficulties of the seas, for, by the trade-winds and the monsoons, navigation was easy and secure; but he was pursued, and all his schemes defeated, by the statute-book. If the private trade were perfectly unrestricted, much smaller vessels might be employed, and many merchants would engage in it who could not fit out a ship of 500 tons burden. There existed many nations perfectly accessible to smaller vessels, who were now never visited. They composed a population of upward of 70,000,000; and he would beg leave to read a passage from a book lately published, (Mr Crawford's History of the Indian Archipelago) shewing the facilities for commerce in the Eastern seas, the great wealth which they offered, and the little trade that was now carried on in them. He was the more disposed to be sanguine in these expectations, when he contemplated the benefits which had arisen from a free trade in the only quarter where it had yet been permitted. Their lordships would recollect that six years ago, when the trade to the East Indies was not open, there was no independent British tonnage on the other side of the Cape of Good Hope. At present he was happy to inform them that there were in the Eastern seas 20,000 tons of shipping in the service of the East India Company, but 61,000 in the service of the free trade. The free trade employed 4720 British seamen, whilst the trade of the East India Company employed only 2550 of them. Yet it was a pecu-



liar hardship, that in countries where the British had established an unprecedented power, and where they exercised an uncontrolled dominion, an American should be at liberty to carry on a trade in which it was not allowed to an Englishman to engage. The trade to which he alluded was the exportation of tea, which he understood was more than ten to one in favour of the American merchant: nor was this at all surprising; for he not only derived a benefit from the liberty which he possessed of assorting his cargo when and where he pleased; but also from the liberty which he enjoyed of supplying France, Holland, and other parts of the continent, with that commodity, tea, which the East India Company did not choose to do themselves, and would not allow any of their fellow-countrymen to do for them. So fully was he convinced of the inexpediency of such a restriction, that nothing could induce him to believe that the East India Company would not, if applied to, allow Englishmen to supply France, and Holland, and Germany, with tea from Canton, as readily as she allowed American merchants to do so. He was not prepared to say that the British Government ought to exert its influence to procure the immediate independence of South America—by no means: but he was prepared to say, that, considering the manner in which the trade of its subjects had increased at Buenos Ayres, where it was liable to no restrictions during the years 1810, 1811, and 1812—considering that since the latter of these periods it had even increased there to a two-fold amount, and that similar results had taken place in every other part of that great continent where British manufactures had been introduced, it was bound by every tie of feeling and of interest to cement the connexion which already subsisted between the

inhabitants of the two countries, by the utmost good faith, kindness, and liberality. To cement that connexion would not be a difficult task for this country, as there was none better calculated to inspire the South Americans with sentiments of respect and affection. It was only necessary that we should repeal the restrictions under which we had hitherto guarded our intercourse with them, and stand before them as a country ready to receive their produce on the most favourable terms. And why should they not repeal these restrictions? Their lordships, he was sure, were well aware that, in the year previous to the commencement of the unfortunate war which terminated in the establishment of American independence, our exports to the United States did not amount to more than 3,000,000*l.*; whereas at present they amounted to no less a sum than thirty millions. This was the consequence of free trade. The noble marquis then, strongly urged the cultivation of friendly relations with Ireland, as there was no country better fitted to give employment to our capital, and become a great consumer of our manufactured goods. Though he was not very sanguine in his expectations of immediate relief to the present distress of the country, he could not, with the feelings which he entertained regarding British enterprise, British skill, and British ingenuity, abandon the hope of ultimate relief to our distressed situation, whilst there was any part of the globe unexplored, or only partially explored, to which our trade could penetrate. Our merchants, if they were now oppressed with the difficulties which he had before described, were not, however, deprived of that high character, that good faith, and that persevering industry, which had always distinguished them.

The Earl of Liverpool, in rising to

give the sentiments of ministers upon this subject, expressed the high gratification with which he had listened to the able and candid speech of the noble Marquis. He entirely agreed with him in his views of the close connexion between the different branches of national industry, and, at the same time, of the advantage of confining the present inquiry to the subject of our foreign trade. Admitting that commercial distress existed, he saw no proof of its having risen to that magnitude which had sometimes been supposed. He was of opinion that there was no ground of believing that it arose from any reduction of any of the great articles of consumption within the country, except it were the article of wines. He had taken considerable pains to ascertain the truth of this assertion in every instance, and where it could be obtained, he thought the consumption, as to quantity, was a better test than the consumption as to value; for, though the latter was fluctuating and uncertain, the quantity upon which the revenue was raised, was fixed and stable. He had before him a paper containing an account of the articles of consumption for the last four years, and the fair way to come to a right conclusion would be to consider what had been the average on the last three years—he meant the years 1817, 1818, and 1819, and to compare that average with the actual consumption. The noble lord then made a comparison, in the manner which he had stated, between the numbers of pounds of tea, coffee, tobacco, malt, and of gallons of British spirits, which had been consumed in the present year, and the average number of those consumed in the three preceding years. In all of these commodities, except the last, he stated that there was an increase of consumption, and that the diminution of the latter had been

compensated by more than a proportional increase in the consumption of foreign spirits. No doubt there was a certain distress felt not only in Britain, but all over Europe, in consequence of the convulsion which had agitated the whole civilized world, and unhinged all the natural relations of men. General, however, as was the distress which prevailed at present in Europe, it was much inferior to that which existed at present in the United States of America; and he would therefore ask those who ascribed the present stagnation of our trade to the effects of taxation, tithes, and poor-rates, which he was free to confess must produce some effect, to compare the national debt of America with its revenue. The cause of the suffering now felt in America was quite evident; it was this—that whilst Europe had been at war for twenty years out of the last twenty-five years, America had only been at war for two years. She became the principal neutral power during the greater part of that period; nay, at one time she was the only neutral power. She supplied this country with articles from the continent which it could procure nowhere else, and thus had increased in wealth, in agriculture, in navigation, in commerce, and in every other national resource, more than any other nation had ever done in the same period. She had made in these twenty years a progress that under other circumstances she could not have made in sixty, nor in eighty years. Now, however, when the arts of peace had begun once more to flourish in Europe, America felt the effect, not of her former distress, but of her former prosperity. She was now retrograding, and must retrace the immense strides which she had made in the last twenty years, until she stood in the situation which she then occupied. Lord Liverpool gave his unequivocal assent to the.

principles of free trade. He believed it would have been of great benefit to the world if these principles had been always acted upon, and if no state had ever imposed shackles on the trade and industry of another. The noble Marquis, however, was too enlightened not to admit the exception to these principles, which were dictated by the actual policy of the world, and the existing laws of the country. Lord L. only complained that this view of the subject had been too slightly adverted to. An immediate recurrence to first principles, would unhinge the value of all property, particularly in land. How could we expect other countries to admit our manufactures, unless we received their raw produce in return? Yet the state of the country rendered it absolutely necessary, he conceived, to extend some protection to the growers of corn. His lordship, at some length, defended the present system of the corn laws, as preferable to any plan of protecting duties. He defended also the present state of the currency. The restriction on the bank payments appeared important, and even necessary during the war; but now, it could only serve to create a fictitious capital, and give rise to a spirit of over-trading. In regard to manufactures, his own opinion was, that if all the laws with regard to wool were repealed, our woollen manufacture would not be injured. The same observation might be applied to our cotton manufacture; but with regard to silk and linen, he conceived there was some ground for hesitation. A free trade would put an absolute end to the former. No doubt it might be matter of regret that a silk manufacture was ever established in this country. It would have been much more natural to import it from France, in exchange for some other commodity. But when he considered the

extent of that trade, the artificial encouragement it had received, and the number of persons it employed—50,000 or 60,000—he confessed he saw no way of getting rid of it.—Then, again, was the House aware of the effect which must necessarily be produced upon the linen manufacture of Ireland, by a removal of all restrictions upon foreign linens? When he referred to the peculiar situation of Ireland, it was impossible not to be startled at the contemplation of the possible result. He would again say, that he regretted those laws which had brought about so artificial a state of things, but what was once done ought not, in many cases, or rather could not, be undone.—In regard to the substitution of protecting duties for absolute prohibition, and to the extension of the warehousing system and the transit trade, he was inclined to concur with Lord Lansdowne. With regard to the duty on Baltic timber, it had not been imposed with any commercial view. We were then excluded from the continent, and ministers were induced to direct their views towards America, as a quarter whence we might derive a sure supply for naval purposes. On the faith of a countervailing duty, an increased capital was employed by the merchants in the American timber trade. He admitted that this was now an open question. He allowed that the treaty with Portugal, one considered a masterpiece of political wisdom, had no real claim to that character, while that with France, in 1787, had certainly been formed on sound principles. Yet for five years under this last treaty, from 1787 to 1792, the average export to France of British produce and manufactures had been 718,630*l.*; those to Portugal, 637,652*l.*; those to Spain, 623,340*l.* At present our exports to Portugal and the Brazils amounted to four mil-

lions. In regard to India, he doubted if the exports of our manufactures thither could be increased. They had already been too great, and had led to a falling-off last year. He was persuaded every attempt to introduce British goods into China would prove abortive. The carrying trade between India and China was a question left open by the late charter; and he certainly saw no objection, that the produce of India should be imported direct to any country in Europe. Under these qualifications he gave his cordial assent to the motion for a committee; believing, at the same time, that the best remedies were time and patience, and that permanence was an important feature in all legislation.

The motion for a committee was then unanimously agreed to.

The subject had already been brought before the House of Commons by Mr Baring, on occasion of presenting the petition of the merchants of London. He denied any idea, on the part of the petitioners, of being favoured at the expense of other classes. If commercial men knew their own interest, they could have no other object than general prosperity; if agriculture did not flourish, commerce must necessarily decay. The distress and embarrassment of the country, instead of gradually diminishing, were upon the increase. Whilst every other commercial country was in a state of progressive recovery, this alone had all the appearance of a deep decline. The present languor might certainly be regarded as comparative, as a natural consequence of the peculiar events and termination of the war. Whilst that war continued, we enjoyed a monopoly of trade; we took larger strides in commercial industry and enterprise than ever were before taken by any people. The trade, of which we had enjoyed a monopoly, was now di-

vided with all Europe. Every country had its share, and we had to contend against rivals in every direction. In all parts of the world competition was alive and vigorous. What the House, therefore, had to consider, was the propriety of recurring to those old and established principles which had proved the most solid foundation of our commerce. The honourable member then made some observations on the disadvantages which he conceived us to sustain from the change of the currency, and from what he considered the impolitic arrangement of the corn laws. He would not now say much on this last topic, except to reprobate the petitions which had been presented to Parliament for additional restrictions. To him it appeared quite obvious, that the prosperity of this country must now depend on the general prosperity of the world. The same extent of commerce which we had enjoyed was certainly not attainable, and without more subordination there could be neither confidence nor security. The petitioners asked only for mature and calm deliberation—for an unprejudiced review of interests apparently opposite to each other. Something, he sincerely believed, must be done, to enable us to go on at all. It was satisfactory to know that there was no person in the country more sensible of the truths contained in the petition than the right honourable gentleman at the head of the Board of Trade. He was not, he believed, exceeded in zeal for the application of just principles of commercial policy by any of the advocates for a change in our present system. It was painful, however, to find that his Majesty's ministers generally did not look at this question with the eyes of statesmen, and that the true interests of the country were overlooked in the anxiety to preserve place. The object to which,

mainly, this petition was directed, was the adoption of a general principle, having for its basis as great and extensive a freedom of commercial regulation as was possible. The petitioners also prayed that the legislature would contract as much as possible those general or positive restrictions on the importation of certain articles which weighed heavily on the commerce of the country. Why should we be restrained from procuring timber from Riga, and other ports of Russia, Poland, and the various northern states? That trade formerly employed British shipping to a great extent, and was very useful in rearing and supporting seamen. But the restrictive system had driven Great Britain out of that trade, and given to her a character of severity, with respect to her commercial restrictions, which was highly prejudicial to her interests. Without wishing to do away with the general tenor of the navigation laws, he thought there were certain details which might be advantageously modified. He then went over the same grounds with Lord Lansdowne—the warehousing system—the transit trade—the communication with the East Indies, and with South America. A very great object was to remove the restrictions which had been imposed by foreign nations. With respect to France, no attempt had been made to put an end to these restrictions. The existing feelings of that country, and the circumstances that now prevailed, operated against any mercantile connexion or arrangement with England, and it would be difficult for some time to form one. He did not, therefore, blame the noble lord (Castlereagh) for not having demanded concessions, when the French treaty was entered into, which probably would not have lasted very long. The first step towards putting an end to restrictions of this descrip-

tion, was by removing them at home. To require foreign countries, by treaty, to open their ports to us, and, in return, to shut up our ports against all communication with them, was manifestly unjust. The circumstances of the times were such as to call on them imperatively to go into this examination, that they might convince themselves whether nothing could be done for the country—whether no encouragement could be given to its industry—and whether they must continue to bear, without hope of relief, the manifold privations which they must all feel.

Mr Robinson, in reply to this speech, followed the same course which was taken by Lord Liverpool in the Lords. He expressed his acquiescence in all the general principles laid down by Mr Baring. He had always stated it as his clear opinion, that positive restriction was founded in error, and calculated to defeat the object it was intended to promote. The same statement he had no objection to repeat now. He denied, however, the assertion, either that ministers were indifferent to the subject and solely anxious to keep their places, or that he met among them any peculiar opposition to his views. The resistance came at least as much from the other side of the House. The fact was, that habits, connected with certain systems, became so deeply rooted, that it was extremely difficult to get gentlemen to consent to any alteration. He stated this as a reason why he had not endeavoured to bring his own principles more decidedly into practice. The restrictive system ought to be amended, and it was his intention to bring in a bill this session to effect some amendment. The navigation laws were necessary and advantageous to commerce; still they were capable of improvement, and ought to be improved to a great extent. He had

heard with particular pleasure Mr Baring justify his noble friend and the government for not, at the peace, obtaining commercial advantages as favours from friends, or punishments on enemies. Justice, peace, and policy, were equally opposed to such an acquisition of commerce. With France it was not easy to manage a commercial arrangement. Great prejudices existed on both sides, and very foolish prejudices they certainly were. Nothing was so preposterous as for any persons in either nation to repine, if any did repine, at the prosperity of the other. In regard to the particular branches of trade touched upon, Mr R. gave views generally conformable to those stated by Lord Liverpool.

Lord Milton strongly supported the principles and views of the petition, and at the same time expressed his satisfaction at the speech made by the President of the Board of Trade. At the same time he took occasion to enter into some general views of the commercial and financial state of the country.

Mr Ricardo took nearly the same view of the subject. He had heard the petition with great pleasure, and he was particularly pleased with the liberal sentiments delivered by the right honourable gentleman opposite (Mr Robinson.) The petition itself contained the justest principles of political economy. The establishment of the system of free trade which the petitioners recommended, was surrounded with great difficulties: these difficulties were of two kinds, as the change would affect the revenue, and different opposing interests. The question of revenue was of great importance, but it did not necessarily stand in the way of some alteration. The sources whence the taxes were derived might be changed, and a great service might be done to the people

without an injury to the revenue. They might even be brought to pay other taxes to a greater amount with less inconvenience than the present: and the substitution might be highly beneficial. The other question, regarding vested interests, was likewise one of great delicacy. Gentlemen who had vested large capitals in a particular branch of trade on the faith of the continuance of the present laws, could not, with any degree of justice, be subjected to a change in those laws which would seriously injure their interests. This was a good argument against any immediate, or rapid, or precipitate alteration; but it was no reason against gradual improvement.

After some observations by Mr Ellice, Mr Marryat, and Mr T. Wilson, the petition was ordered to be laid on the table, and to be printed.

This subject was brought again under discussion, when, soon after, Mr Kirkman Finlay presented a similar petition from the merchants of Glasgow. Mr Finlay accompanied it with a judicious speech, in which he enforced the views which had been taken by Mr Baring. The chief novelty of it consisted in the better hopes which he was led to form of the future prosperity of the country, and the favourable report which he made of those districts with which he was personally connected. He was happy to be enabled to say, with reference to this subject, that infatuation and delusion appeared to be subsiding where their influence had been most injurious. Peace and order were in some degree re-established, and the condition of the labourer was already bettered. He doubted not that the whole country was progressively improving, and that in our chief manufactures, cotton and linen, we should still be enabled to break down all foreign competition.

Mr Baring made a few explanatory observations, previous to the petition being laid on the table.

Notwithstanding these declarations of liberal principles, the only specific attempt made to obtain freedom of trade during this session, was unsuccessful. This was Lord Milton's motion to repeal the tax upon foreign wool, a measure pressing so hard upon this favourite and staple branch of British manufacture, that it appears only wonderful that it should ever have been carried into effect. Lord M. asked, was it wise to check the introduction of raw materials, on which, by the industry of man, so great a profit was made? The value of the wool was doubled, tripled, and even quadrupled, when manufactured into cloth. Last year, the manufactures of Great Britain enjoyed in the American market an advantage of 7 per cent over the manufactures of every other nation. But if another sixpence in the pound were added to the wool tax, it would reduce our advantage to the ratio of 100 to 98, when compared to French manufactures. This, to say the least, was running a severe race, and a risk of losing the American market, which he thought no wise nation ought to run.—The Chancellor of the Exchequer, however, urged, that this tax was both of considerable importance in a financial view, and at the same time that it operated as a protection to the growers of British wool. It admitted as much foreign wool as was necessary for the purposes of manufacture; yet it prevented that immense influx of foreign wool into the market at a low price, which might finally check the growth of the material in England. The importation had lately increased five-fold; while the importation had increased but two-fifths. The motion was in consequence negatived by a majority of 202 to 128.

Lord J. Russell, during the present session, continued to push his measures against the Cornish boroughs convicted of bribery. Disappointed in his attempt to exclude them from electing members to serve in the present Parliament, his views were now directed towards total disfranchisement. Grampound, in which corruption appeared to be pre-eminent, and almost universal, was selected as an unquestionably fit subject against which this sentence might be executed.

On the 10th May, his lordship moved for leave to bring in the bill. We would merely state the general scope of it. It disabled Grampound from sending members to Parliament, and enabled those voters in that borough who had not been convicted of corruption, to vote for members as if they were freeholders of the county. Another part of the bill was, that it empowered the election, by the borough of Leeds, of two members, at the conclusion of the present Parliament, or, in case any vacancy occurred in the borough of Grampound, before that period. The right of suffrage which he proposed for the borough of Leeds, would extend to persons renting houses to the value of 5*l.* per annum. The borough of Leeds, it must be observed, comprehended a much larger space than the town of Leeds. It was thirty miles in circumference—comprised eight or ten villages, besides the town—and contained about seventy thousand inhabitants. Supposing the right of suffrage to be granted to those who rented houses of the annual value of 5*l.*, the number of voters would be about eight thousand. Some individuals were of opinion that the right should not be granted to those who did not rent houses of the value of 10*l.* a-year, which would reduce the voters to the number of 5500; but, on consideration, he conceived that it

was better to extend the privilege of suffrage to the smaller sum. His great object was to have the principle of transferring the elective franchise from convicted boroughs acknowledged and established by Parliament. If that principle were established, it would be entirely indifferent to him whether the franchise was extended at all to Leeds; or, if granted to that borough, whether it was given in the particular manner which he proposed, or whether it was extended to the West Riding of Yorkshire, or any other populous place.

This motion was received on the ministerial side by Mr Canning, with a cautious consent to the simple proposition of bringing in the bill. He was perfectly disposed, on his own part, and on the part of those with whom he acted, to see the noble lord's bill brought before the House for discussion. And so far as the acknowledgment of the principle, that a borough convicted of gross bribery and corruption, such as in former times would produce an order for disfranchisement, went, he was ready to say, that to such disfranchisement, in such a proved case, he had no objection. So far would he go. But he was sure it was not necessary to appeal to the noble lord's candour for the preservation of any ulterior opinion as to the mode in which the franchise, so taken away, should be disposed of. He made this reservation at the present moment, lest his sentiments might be misunderstood; for, if there were any point which the noble lord had stated, on which he had decided differently from the noble lord, and to which no circumstances could make him agree, it was this—"that the measure itself was comparatively indifferent, but that the establishment of the principle was every thing." He would look only to this specific measure; and, as far as possible, he would

avoid, and he hoped the House would pursue the same course, legislating on the general principle.

The bill was then brought in without opposition, and on the 19th May, when the second reading was moved, became the subject of a lengthened debate. Lord John now expounded the malversations, on the ground of which Grampound was to be divested of its rights. It seemed, that one of the electors had got a list, containing the names of 60 persons who had the right to vote, and of whom 58 had voted: of these 58 no less than 47 had the sum of 35*l.* affixed to their names as the price of their suffrages. On exhibiting this list to Sir Manasseh Lopes, he allowed to Mr Teed, into whose hands it had fallen, that it was pretty correct. On this, Mr Teed indicted 34 of the corrupt parties, out of whom 24 were convicted. Some of the others he did not prosecute, on account of the insufficiency of evidence, and a still greater number on account of their poverty. It also clearly appeared in evidence, that at various times sums of money had been expended in this borough to influence the return of members to Parliament. It was proved that one person had attended at a meeting of delegates from Grampound, at which it was agreed that 5000*l.* should be given for the return. Another individual, an attorney at Grampound, stated, that the sum of 8100*l.* was set down in a bill, as the regular sum required for the two seats for that borough. These transactions took place at different periods; and it was admitted by all the witnesses, that it had been customary to pay for the votes of the electors. So far the evidence went; but the common fame and notoriety of these transactions made the case still stronger. It appeared that it was a common saying with the electors, that "they wished



to be feeding again ;" the meaning of which was, that they desired to be paid beforehand. One of the aldermen stated, " that he believed almost every freeman in the place received a bribe ;" and being asked, " how many he thought did not receive a bribe—whether there were even three or four uncorrupt persons in the borough ?" he answered, " perhaps there may be three or four." Upon these grounds the honourable member conceived the House were most fully justified in disfranchising Grampound ; and the only question was, how the blank was to be supplied. He quoted three cases of boroughs which had lost their privileges on the ground of bribery. One was New-Shoeham, where it was first proposed, that the offending members should merely be incapacitated ; but it was afterwards determined, that the franchise should be extended to the neighbouring rape of Bramber. Another was that of Cricklade, in which the borough was thrown into the neighbouring hundred. The third was that of Aylesbury, where the greater number of the electors, being proved guilty of bribery, were disfranchised. The question, whether Grampound was to be thrown into the neighbouring hundred, or the franchise transferred to some other place, was of very little consequence to that place, the voters of which, even in the former case, would form only a very small minority. " Alas ! the glory of Grampound is gone for ever ! The electors will no more have the pleasure of seeing a baronet, out of pure motives of charity, sending confidential agents to relieve their distresses and minister to their wants. They will no more be delighted with the gratifying spectacle of the merchants of London contending to represent them. Never again will they have the satisfaction of almost murdering those who had the hardihood to propound

the bribery-oath !" The neighbouring hundred had no right whatever to the elective franchise ; and considering that the number of boroughs in Cornwall was out of all proportion to the population of the country, there appeared no expediency in this plan. But there had grown up, within the last thirty or forty years, a number of towns, whose large population and extensive wealth placed them amongst the foremost of the great towns of this country—and they were at present debarred from the right of returning members to serve in Parliament. Of these towns, five alone contained nearly 500,000 inhabitants. When they saw towns of such extent, so rich, and so abundantly peopled, without representatives in that house, could it be supposed that their ancestors, who allowed members for Wales, for Chester, for Durham, and other places comparatively insignificant, would, if those great towns had grown up in their times, have refused them the right of sending members to Parliament ? If they looked to Bristol, Liverpool, and other great towns which sent members to that House, they would see none of those disorders which at present prevailed in the unrepresented districts throughout the country. He was prepared to contend, that the more generally the right of voting was diffused, the less likelihood would there be of the growth of bribery and corruption in the larger towns. The principles even of the members of that House had changed. There had been times when many of the members would not have scrupled to receive large sums of money for their votes. That practice was now abolished—such a thing was no longer known—because the people were less open to bribery. He stated this, because it ought to be understood that all the defects of the system were not to be traced to that House, but

were rather to be found in that abuse of the elective franchise which had prevailed in the country. In support of that view of the subject, he was happy to state that there appeared, in the late general election, several instances which shewed that the feelings of the people, with respect to the exercise of the elective franchise, were very much unimproved. Some time ago a meeting had been held in a very populous part of the country, at which resolutions, binding the electors to return members from none but pure motives, were entered into. At Reading, resolutions were passed to prevent corrupt and illegal influence in that borough. He understood that an honourable member, his honourable friend, he would say, the member for Northumberland, intended, if the bill came to be committed, to move that the East and West Ridings of Yorkshire should be substituted for Leeds. He thought that to transfer the franchise to Leeds was preferable, but that was a question of inferior importance.

Lord Castlereagh did not mean to oppose the second reading of the bill, and would endeavour to state his sentiments, in the same fair and candid manner as had been done by the noble lord. He concurred with him in the fundamental principle of the bill. He agreed that the borough of Grampound had misconducted itself, and that an adequate remedy ought to be applied. Therefore the question was, not whether a remedy should be applied, but what the nature of that remedy should be. The difference he felt, arose from the fundamental difference of their opinion upon parliamentary reform, which he considered fair to state to the noble lord and to the House. The noble lord wished to establish by this bill, *pro tanto*, the principle of parliamentary reform which he espoused. He himself did not look upon the measure in that

point of view; he only viewed it as a measure to correct corruption in Grampound. On a former occasion, when the noble lord had proposed a measure of this nature, he had admitted distinctly that the local circumstances of Cornwall might afford reason for dealing with boroughs in that county convicted of corruption, not as was usual with the House in such cases, but for transferring the abused franchise to some other part of the kingdom. Now, however, it did not appear to him that any sufficient case had been made out against transferring the franchise to the neighbouring hundred. This was the measure supported by former precedents, and it appeared to him very doubtful whether the other House would be prevailed upon to go into any other. He himself preferred local and district reform, if any abuse or corruption were proved, when there appeared no necessity for adopting a different mode of remedying the evil. The noble lord had not merely presented this proposition to the House; he had not only proposed to disfranchise Grampound, and to enfranchise Leeds, but supported the proposition by reasons on the face of the bill which were inadmissible. The preamble set forth — "Whereas the borough of Leeds, in the county of York, having of late years become a place of great trade, population, and wealth, it is expedient that it should have two burgesses to serve in Parliament," &c. It was impossible that the House or that he should concur with the proposition of transfer upon such grounds. If this principle were once recognized by Parliament, it would afford ground for application from every place of trade, population, and wealth, to have additional representatives. But if he could agree to the principle of transfer in this case, he should be very far from agreeing to or recognizing it :

it appeared on the face of that bill. He would never agree to transfer the franchise to a large populous town, in the form and mode of scot and lot payers having votes, so that an assessment of 5*l.* as he understood, would entitle to a vote. This would give in the town of Leeds 8,000 or 10,000 constituents. He therefore pressed upon the consideration of the noble lord, that it was running great risk, and unnecessary risk, to hazard the reform of Grampound, by travelling out of the cases already recognized, and introducing a principle that would not only be denied, but most strenuously opposed.

Mr Tierney expressed his extreme disappointment at the change which appeared to have taken place in Lord Castlereagh's views of the subject. He understood the noble lord to have formerly given his assent to the transfer of the elective franchise from Grampound to another place. Now he proposed only its extension to the neighbouring hundreds. He felt satisfied that if the noble lord had consulted his own good judgment, and not attended to the conversations of others, he would not have adopted this new plan, and the House would have heard nothing of this consideration for the neighbouring hundreds. "But," said the noble lord, "there are precedents, and, for God's sake, do let us keep to precedents on this question." He remembered the precedents to which the noble lord alluded, and he looked upon them as much innovations in their day as the proposition of his noble friend (Lord John Russell) could be considered in the present. He denied that there was any strict analogy between the cases which could justify the House in acting upon them; neither would he admit that the House of Commons should be governed, in debate at least, by what might be the feeling in the

other House. The House of Commons were bound to do their duty strictly and conscientiously to the country, without any reference to what might be thought elsewhere; and the other House, he supposed, would do what they considered to be theirs. Mr Tierney insisted, that in disposing of the two votes, the only question ought to be, where they were most needed; and that the admitting of the principle of reform to this limited extent, would be agreeable to moderate men on both sides of the House. There were men, and they were by no means few in number—men of rank, of property—men who had the interests of the country sincerely at heart—who thought in their consciences that some reform ought to take place—who conceived that the country would be materially benefitted by reform; and knowing how prevalent was this feeling, most particularly without, to the present case, he was not prepared to hear the question met as it had been. He could see no one objection to giving the preference to Leeds except this—and, whatever might be avowed, he believed it to be the main objection—that the House should sanction no proposition which might, in any shape or way, tend to a reform in Parliament.

Mr Wynn and Mr Holme Sumner supported the principle of transference, but preferred that it should be to the county of York. Looking, Mr Wynn said, at the vast extent of that county—its immense population—the great number of freeholders, and the difficulty of bringing them all to any one place to vote within the time allowed for the duration of a poll: looking at those circumstances, he thought that a great evil would be remedied by transferring the franchise from Grampound to that county.

Mr Beaumont explained the plan

which he had suggested. It was, that Yorkshire should be divided into two counties, of which the North and East Ridings should form one, and the West Riding the other. By this alteration, there was no reason to apprehend that the interests of the manufacturers would be promoted at the expense of the agriculturists of the county, as the West Riding would return members attached to the manufacturing, and the North and East Ridings members attached to the agricultural interests.

Mr Canning followed the same line as Lord Castlereagh. Admitting the propriety of disfranchising Grampound, he was not fully prepared to state his opinion as to ulterior measures; still his partiality was for pursuing that course which, in former cases, had always been pursued, namely, overwhelming the surviving voters by an extension of their rights rather than by extinguishing them altogether. He thought the ground on which the right honourable gentleman (Mr Tierney) had recommended the transfer to Leeds was, that it would quell the wild doctrines of the reformers, who constantly clamoured about the futility of looking to that House for any amelioration of the representative system. Now the ground of these wild theories of reform was, that by diffusing very widely the elective franchise, the interests of the people would be more equally consulted than at present. If he looked at the preamble of the bill, he found this very principle recognised in these words:—"The borough of Leeds, in the county of York, having of late years become a place of great trade, population, and wealth, it is expedient that it should have two burgesses to serve in Parliament." If he looked at the details of the bill, he found that a right of suffrage was to be granted, so wild and visionary as

to overturn a great part of the present system of popular election. Many considerable towns in the kingdom had a right of representation, so much more limited than that which was here proposed, that if Parliament were to give its opinion, that this was the right principle of representation, so far from diffusing content, it must inevitably create discontent in many parts which were now tranquil. The town of Liverpool, for example, which he represented, contained 100,000 inhabitants, but only 4000 of these were electors; and surely they might complain if a borough, of which the population was considerably less, should have six times as many electors. The noble lord looked to the case as a God-send, that enabled him to introduce the principle of parliamentary reform; he submitted to what of parliamentary reform there was in the measure as an evil which the necessity of the case imposed; the noble lord considered that evil as the best part of the measure. His own wish was, that, from the example of Grampound, other places should be deterred from similar corruption; he wished the present case to become a warning, not an example. He earnestly hoped that this case would be a beacon to other boroughs, warning them to take care that they did not render it imperative on the House to transfer their elective rights to other places.

Mr Grenfell and Sir John Newport supported the transference to Yorkshire; Mr Davies Gilbert, that to Leeds. Mr Bragge Bathurst enforced the views of ministers. Mr Hobhouse, representing a class more decidedly popular than any of the former speakers, eagerly declared his support of reform as reform. The day of reform was called by a certain class of politicians "the evil day." As far as his voice might reach, he

wished it to be known that he did not consider it an evil day ; he looked forward to it as one auspicious to these kingdoms, and beneficial to the nation—as a day calculated to confer lasting happiness upon all classes, without alloy and without discontent—as that day, which would restore to the crown its true and real dignity, and prove to the people of England that they were still in possession of those invaluable rights to which they had so just a claim. It had been represented in that House that there was a certain number of reformers in the country who called for so much that they would not take less than they called for. If it were so, he could only say that he was not one of those reformers. He was one of those who received with gratitude every concession of this sort ; who were grateful for every step which was taken by the House in meeting the wishes and in favouring the just demands of the people of England.

After a few further observations from the noble mover, the bill was read a second time. The House, however, immediately after went into the Whitsuntide recess ; and when it again met, another topic had intervened, with which Lord John, finding every mind exclusively engrossed, announced his intention to delay the final prosecution of this motion till the ensuing session.

The Alien Bill formed now a regular biennial field of interest between the two political parties. In the year 1818, we have seen an extended discussion on the subject. Lord Castlereagh, in moving the bill on the 1st of June, understanding that it was to be opposed, found it necessary to state the grounds on which he judged its renewal expedient. The number of persons sent out of the country under the act, was so small, as to make the only argument that could be employ-

ed, not that the bill was abused, but that it was wholly unnecessary. It did not hence follow, however, that great danger might not arise, if government had not this preventive power in its hands. The number at present in this country was 25,000, being an increase on the number in 1818 ; and of these very few comparatively were here for commercial purposes. He was aware that foreign merchants were peculiarly favoured by *magna charta*, and some of our older statutes, but the practical question was, whether, in the present circumstances of Europe, and of this country, so large a number of foreigners ought to be left exempt from all control on the part of government. He was as willing as any man that Britain should still be a sanctuary to those who had committed acts against other governments ; but the measure appeared to him necessary with a view to British objects and British security. The law, since peace, had undergone a material change. There was now no presumption against the foreigner ; he was permitted to reside where, and to change his residence as often as he pleased. All that was required of him was, to deliver his name at the port where he landed, and to sign it before a peace-officer. Every facility of access was then granted and he was at liberty to enjoy in its full latitude the hospitality of this country. It was only when supposed to be engaged in schemes dangerous to the state that a power was reserved of sending him forth as in time of war. Foreign war had indeed ceased but internal disaffection was still active, and it was impossible to say, that this might not be fomented by foreigners. He believed there were traitors in this day who were ready, in the accomplishment of their schemes to set at defiance every principle of humanity, every sentiment that wa-

worthy of man in civilized society, or that was consonant with the character of beings in a human shape. If a fanatical spirit were abroad, which induced men to think that they had a right to do acts of murder, that they might advance their projects—if that fanaticism were to be found on the continent as well as here, might not the kindred feelings which inspired it, induce individuals, labouring under its influence, to assist each other in attaining their objects, as far as their means and opportunity permitted them? Besides, he thought the measure was necessary in order to secure that peace which this country had conquered—to prevent our character being compromised with foreign states, which assuredly must be the case if we received and retained on our shores those who had been sent away from other countries, or who had fled from punishment. If they lived in times when there was a complete state of peace in the world—when there was an absence of any danger that might threaten to disturb the general tranquillity of all states—he should feel that it would be a very natural disposition for all ranks to entertain a desire that this country should be allowed to proceed on its ancient system of law, and that our shores should be left completely open to the visits of foreigners. But they did not live at such a period, and therefore the law became necessary.

Sir Robert Wilson took the lead in opposing the measure. He denied that it was introduced to serve British interests and objects; and he believed, that ninety-nine out of one hundred of those who thought on the subject, were of opinion that it was one of those arrangements made at Vienna, or during the proceedings of one of those ambulatory congresses of sovereigns at which the noble lord had attended, and from which he now

found it impossible to recede. It was generally felt that this bill was one of the measures designed to promote a uniform system of police throughout Europe; so that any individual who happened to offend a member of that confederacy which had been denominated "holy," but which he should always consider most "unholy," would be unable to escape from persecution, by taking refuge in any other part of Europe. Let the House look to the conduct of France at the present moment. Instead of enacting laws for driving foreigners from her territory, she had passed a law enabling them to become French citizens, and giving them a full participation in the rights, liberties, and immunities of the French people. Did the House recollect the case of General Gourgaud? Did they remember the treatment he received—with what illegality, with what violence, he was seized and sent out of the country? Did they not call to mind how his person was assaulted, and his papers detained, in defiance of law? It was said he made no appeal, but it was a well-known fact that he did make one. When this was stated, what was the answer of the honourable Under Secretary of State? "O," said he, "General Gourgaud demanded to be taken before a magistrate, not before the Privy Council." The Countess of Montholon, on her arrival off Margate, had been put on board an old gun-brig, and after being treated with much disrespect by Mr Capper of the Alien Office, was obliged to proceed, with her child in a dying state, in a vessel to Ostend. She was there received by the King of the Netherlands, in a manner which made him blush for England. A nobleman of high rank, who had held a conspicuous situation under the late French government, was treated by Mr Capper in a manner equally insulting, and was able only through the aid of

powerful friends, to spend a few months in this country collecting evidence which afterwards proved him completely innocent of the charges made against him. He would certainly take the sense of the House on the question.

Mr C. Baring Wall made a maiden speech against the motion.

The Solicitor-General defended the conduct followed in the case of General Gourgaud. A motion had already been made on the subject, and its not having been followed up sufficiently proved, that gentlemen on the other side found themselves unable to prove any thing. The gallant general had sent written questions to Harwich, the answers to which were in substance, that Gourgaud had had an interview with a magistrate; that many gentlemen had been allowed to see him; that he paid but his own expense, and that at his own desire; and that he had no complaint to make against the officers at Harwich. Yet when the case came before the House, the gallant general had never the candour to state the conduct he had pursued, and the result of it. The charges in that case, he took upon himself to say, were every one of them false. The circumstance of Gourgaud's violent removal was necessary, and the violence attending it was occasioned by himself. The other cases were not before them; but they would, when brought before them, receive a satisfactory answer. We lost character, it was said, with foreigners. Yet of the 25,000 aliens, 20,000—he was told all—but at least 20,000, had come into this country under the operation of the alien bill. And, of 25,000, how many were sent away? Nine persons; and the House would sanction the conduct of ministers in all these cases, if they were before them.

Sir James Mackintosh, after an apology for the lateness of the hour,

made an animated speech in favour of Sir Robert Wilson's motion. "It is no part," said he, "of my intention to enter into any controversy of fact arising from the cases referred to by my gallant friend: first, because I am not at all acquainted with the circumstances; and, secondly, because instances of abuse of power are by no means necessary, and rather tend to weaken the argument. The great mischief and malignity of the measure is, that it is of such a nature that it is liable to abuse from misinformation, and from the malice of private enemies. Injury and oppression are thus put in the power of accident or private hostility to inflict. I chiefly condemn this bill, because proofs of bad intention on the part of ministers, and of wilful abuse of its powers, are unnecessary. I am thankful for this opportunity of raising my voice with my gallant friend behind me against the bill of the noble lord, which I regarded always, not with jealousy, but with abhorrence, as the most odious of the deviations in the modern system of policy from the liberal and constitutional laws of England. The noble lord has given it as a reason for passing an alien bill, that there are twenty-five thousand aliens in the country. The reason for outlawing them was the number to be outlawed. Because the number of foreigners is great, that forms a reason for violating the constitution of our ancestors, who thought the number that took shelter under their wise and just rule their boast and their glory. It has been said that the Crown has the power of sending a foreigner to his own country. Does my honourable and learned friend say so? Has any power in this country—(at least, is it a general right?)—a right to protract its authority, to land the foreigner in a particular place, to throw the unfortunate victim into the jaws

of destruction? Such a power as he claims for the Crown was not dreamt of in the most despotic period of our history, or under the most despotic prince of the Tudors. It was not dreamt of under Henry VII., for he required a particular statute. My learned friend accuses me of reverence for my ancestors. I am sorry that the conduct of ministers obliges me to regard our ancestors with reverence, and to look back to their conduct with regret when contrasted with our own. The statute of Henry VII. gives forty days to every foreigner to leave the country. What necessity can there be now for a summary removal which did not exist then? I do not conceive any answer that can be given to this. We are legislating more sternly, more severely, and more suspiciously, than Henry VII., the Tiberius of our history, yet whose politics never made it necessary to have recourse to such summary proceedings." In the other House, the question had been argued with as much learning and eloquence as had ever been displayed on any question: and in the last debate in that House were the two proclamations brought forward which ordered out of the country all Scotchmen, who were then aliens; and perhaps many would be rather pleased if they could still be exiled in the same way; but, fortunately for us, it is not so, and they must be content to bear the presence of Scotchmen now. His honourable and learned friend, borrowing from a speech of an honourable friend of his, made in 1818, had observed, that at no time were foreigners treated with more humanity than since the passing of this act. He would admit it—the evil influence of those laws had not yet tainted the free and hospitable disposition of our countrymen—they were not yet disposed to follow the examples which had been

set them. In this he would say that the people were more wise than their laws—he would, however, say only a part of those laws—for the general system was as good as a nation could possibly enjoy.

Mr Lambton entered into an explanation why the petition from General Gourgaud, which he had presented in 1818, had not been followed up. He had asked the noble lord to consent to a committee, where proof might have been given of the facts there stated. The noble lord refused that committee; and he (Mr Lambton) did not attempt to bring the matter again forward, because he knew it would be of no avail without the committee; and he well knew that it was hopeless to expect that, when the noble lord had refused his consent. He still insisted that there were ample grounds for the charges which had been made of harsh treatment on that occasion.

After some explanations from Lord Castlereagh, the motion was carried by 149 against 63, forming a majority of 86.

A more pleasing object was presented to the House, when, on the 26th June, Mr Brougham submitted to them his plan for the national education of the poor. Mr B. observed the disadvantage under which he laboured, in bringing forward this plan at a time when the most intense attention of the nation had been attracted by another question; but he trusted, that long after that question should have been determined, and those who were its subjects (illustrious as they were) should have been forgotten—he trusted that he should have put it in the power of the House to do a benefit to mankind, which would exist and be widely felt, when those unhappy circumstances to which he had alluded should have ceased to operate or to be remembered. Mr Brougham



began with expressing in the strongest terms his sense of the assistance received from the clergy of the established church. It was quite impossible that any words of his could do justice to the zeal, the honesty, and the ability, with which they had lent their assistance towards the attainment of the great object which had been proposed as the result of the inquiries. He need only mention, that after the committee issued their circulars, he received no less than 600 returns, all in one day; and, two days after that, as many as 2600; so that, within one week, about one-third of the whole clergy had obeyed the wishes of the House,—that is, those who were sufficiently near the capital to make their returns in such a space of time. In a little while the committee received nearly all the remainder; but, in a correspondence maintained with so large a number of persons as 11,400, there was, as might be expected, many defaulters; and they amounted to 600. To these another circular was addressed; whereupon, as universally happened in such cases, their number was soon greatly reduced; and about 200 ministers only were still defaulters. Another circumstance appeared to him worthy of mention: About 360 of the most distinct and full of these returns had by some accident been mislaid and lost sight of. The writers were consequently addressed a second time, as supposed defaulters. Would the House believe—and he protested that it did appear to him a most unexampled and incomparable instance of a very honourable and meritorious feeling—that so great and so zealous was their good-will to a most important national object, and such the truly Christian meekness which they evinced, that out of those 360 clergymen no more than two murmured at the fresh trouble that was imposed upon them; and even those

two transmitted the required returns, together with their remonstrances? In many cases a foundation was supported by the charity and exertions of the incumbent himself; he spoke of the working parish priest, not of the more dignified prelate, nor of the pluralist. Upon these grounds he made out his case for intrusting the clergy of the establishment with the execution of the plan. He now submitted to the House a digest of the proposed system. Nothing was more difficult than to ascertain the number of poor children requiring education in a country. All former estimates were extremely erroneous, particularly those of Dr Colquhoun. There were now educated at unendowed schools 490,000 children, and to these were to be added about 11,000, for 150 parishes from which no returns had yet been made. In the endowed schools 165,432 children were educated; making a total (exclusive of the 11,000) of 655,432. In England it appeared that on the average 1-14th or 1-15th of the whole population was educated. The Breslaw tables, on which the calculations were made in France, included children between the ages of 7 and 13 years; but he (Mr Brougham) had gone through the laborious task of checking those tables by the digests now before the House, which digests were made up from the actual statements of clergymen, from the personal knowledge of their own parishes and the result was, that instead of one-ninth being the ratio of children requiring education, as compared with the whole mass of the population, he found that it was nearer one-tenth. Now in England the proportion of those actually receiving education was only one-fourteenth or one-fifteenth, so that there appeared to be a considerable deficiency. Another deduction ought, however, to be made for

the unendowed dame-schools, where 53,000 were educated, or rather not educated, for it amounted to no education at all, since the children were generally sent too young, and taken away just when they were competent to learn. He admitted, notwithstanding, that these dame-schools were most useful, on account of the regularity and discipline they inculcated. The average means of mere education, therefore, was only in fact one-sixteenth in England; yet even these scanty means, had only existed since the year 1803, when what were called the new schools, or those upon the systems of Dr Bell and Mr Lancaster, were established: they were in number 1520, and they received about 200,000 children. Before 1803, then, the amount of education was only as 1-21st, and at that date England might be justly looked on as the worst-educated country of Europe. What a different picture was afforded by Scotland! The education there was 1-9th, or between 1-9th and 1-10th. Wales was even in a worse state than England: at the present-day it was 1-20th, and before 1803 it was 1-26th. The proportion in France at this day was 1-28th, but even this had only been produced by very recent improvements. In 1819, only 1,070,000 children of the population received education, but it was greater by 200,000 than in 1817. In truth, it had been almost as bad as Middlesex, which, though the great metropolitan county, was, without all dispute, the worst-educated part of Christendom. (*Hear, hear.*) No sooner had the defect been discovered in France, than the inhabitants set about to reform it, and, from the zeal with which the subject was undertaken, no less than 7120 new schools had been opened, and 204,000, or the children of two millions of the whole population, had since 1817 received education—an example well

worthy of admiration and of imitation. There were about 12,000 ecclesiastical districts in England; and of these 3500 had not the vestige of a school, endowed, unendowed, or dame: they had no more means of education than were to be found in the country of the Hottentots. Of the remainder, 3000 had endowed schools, and the rest relied entirely on unendowed schools—of course fleeting and casual. In Scotland it was known that every parish, great or small, had one or more schools; some of them endowed, upon which were formed the bulk of those where the majority of the population was educated. Middlesex was three times worse educated than all the rest of England. Lancashire was next in the scale, where it was 1-21st, or very nearly half as bad again as the rest of England. In the four northern counties taken together, the average was 1-10th of the population; but in Westmoreland singly, he was happy to say, that it amounted to 1-7th. In Scotland, although all the children were educated, there was scarcely one whose parent or friend did not pay something for it. Even the peasants took care to provide means for this purpose: and we in this part of the empire might well envy Scotland the possession of such a peasantry. We might also be assured that there was no way of getting rid of the poor-laws, and of their increasing evil, except by a restoration of those wholesome feelings which England once had, which Scotland still has, but would not long continue to have, if the poor-laws were extended to that country. He might here advert and point the attention of the House to a digest of the reports of the Scotch clergy on this subject, as one of the most admirable and affecting documents which had ever been submitted to their consideration. In that might be taken a correct view of the charac-

ter of the people ; in that might be found manifested, in a thousand ways, the zeal and earnestness of parents in procuring instruction for their children. In Scotland there were parishes fifteen miles in length, and six in breadth. It was easier for an adult to go to church than for a child to go to school in such cases. But what was the expedient suggested by their zeal and ingenuity ? The schoolmaster was taken into houses successively, and was boarded in remuneration for his trouble in teaching the children. Scotland was not remarkable for abundance of animal food, but the parents gave him some kind of substance, probably better suited to their means than to his appetite. There was a curious similarity in this respect between that part of the kingdom and the south of France. It was observed, in a report of the French commissioners, that " happy was the schoolmaster who lived in the rugged districts of the Pyrennees ; there he was at least sure of not dying of hunger, for the people, having no money, boarded him by rotation." How differently were we situated in this country, and how ample were our means of diffusing instruction throughout all classes ! The money which had been thrown away on the Caledonian Canal, would have educated half of England, and the whole of Scotland.

Mr Brougham now proceeded to give a view of the provisions of the bill which he was to lay before the House. The determination when a school was necessary in any ecclesiastical district, was to be made by the quarter sessions. A complaint might be brought before them by the grand jury at Easter, by the clergy of the district, or even by any five resident housekeepers. The salary of the schoolmaster, as he proposed, should in no case be less than 20*l.* per annum, nor more than 30*l.* It might

be objected, that this was a great deal too little ; but he did not wish for sinecurists, or to take from them the desire of obtaining day scholars. It was his great object, that whilst measures were adopted for bringing education home to the doors of all, that all should still pay a little for it. The expense was to be defrayed out of the parish rates, and he trusted the country gentlemen would not complain of this very small addition, which would soon, he trusted, lead to a much greater reduction of these rates. The expense of the school and garden, however, should fall, he thought, upon the part of the community engaged in manufacture, and should be advanced, in the first place, by the treasurer for the county. The qualification of the master should be a certificate from the clergyman and three householders of the parish in which he resided. He must be above 24, and under 40 : boys of 15, and men of 70, had ruined more schools than any other cause. He must be a member of the established church ; and the appointment was to be open to the parish clerks, as the union of the two situations might tend to elevate both. The election was to take place in the following manner : 1*st.* A meeting was to be called, by notice posted on the church-doors a month before the election, of inhabitant housekeepers, rated to the school rate. They were to assemble in the church between twelve and three o'clock. 2*d.* Proprietors of above 100*l.* a-year might vote by their agents, authorized in writing for that purpose. 3*d.* The senior parish-officer to preside, and have a casting vote in case of equal numbers. It did appear to him, that the system of public education should be closely connected with the Church of England, as established by law. When he came to consider the inestimable advantages of a system that would secure the ser-

vices of such a body of men as the established clergy—when he looked to the infinite benefit that would arise from having the constant, the daily superintendence of such a character as a well-educated and pious English churchman—when he became sensible how much the durability of the system would be increased by giving it that solidity, that deep root, that wide basis which no new system could possess or acquire without being grafted on an old stock, he felt the full force of the argument. A religious education was most essential to the welfare of every individual. To the rich, it was all but every thing—to the poor, it might be said, without a figure, to be every thing. It was to them that the Christian religion was preached—it was their special patrimony; and if the legislature did not secure for them a religious education, they did not, in his opinion, half execute their duty to their fellow-creatures. Let the House look to the alacrity, the zeal, the warm-heartedness which the established clergy manifested for the education of the poor. They declared that blessings would be poured down on Parliament if they carried into effect a religious system of education, which they expressly declared to be the most effectual barrier against the prevailing vices of the time. Under these views, he proposed that the parson should have a *veto* on the election, and should have constant access to examine the school. The highest clergy were to have the power of visitation; and the visitor could dismiss the schoolmaster, subject to an appeal to the metropolitan. The school fees were to be fixed by the parson and parish officers, and not to be less than 2*d.* or more than 4*d.* a week. A certain number to be admitted *gratis*, or to have their fees paid out of the parish rates. No religious book to be taught except the

Bible, and no form of prayer to be used except the Lord's prayer, or passages of Scripture. Under these regulations it was conceived that only the most squeamish dissenters could object to sending their children.—They were to be exempted from the Sunday discipline, which consisted in taking the children once a-day to the parish church, and teaching them in the evening the Church Catechism, and certain portions of the liturgy.

Mr Brougham finally stated the measures proposed for improving the efficiency of the endowments for education that actually existed. It was proposed that, in the establishments for grammar schools, there should be an arrangement for teaching reading, writing, and arithmetic, either by the master himself, or an assistant. This might be supposed to lower the dignity of these schools, but it would make them much more useful. The present incumbents, however, were to be exempted from this obligation. He proposed also to limit or prohibit the system of boarding, which, in many of these establishments, engrossed the whole attention of the master. Mr B. finally stated the expense of the plan. Taking the whole kingdom at the same rate with Devonshire, which was the county least provided with schools, the expense would be for building of new schools, purchasing of ground, &c. &c. 850,000*l.* But taking the average with Cumberland, which was only 400,000*l.*, he could state the expense, on a liberal average, to be only from 500,000*l.* to 600,000*l.* These were not times in which any sums could be spoken of as unimportant; at other times those sums would have been thought little. The annual average upon the Devonshire scale would be 150,000*l.*: on the Cumberland scale, 100,000*l.*

Lord Castlereagh said, that he had listened with much satisfaction to the

perspicuous details given with so much ability by the honourable and learned gentleman. He was quite incapable of giving any opinion at present on the general merits of the proposed plan, but he discharged his duty by giving his consent to the bringing in of the bill, reserving to some future occasion the discussion of its principles. From the importance of the subject, and the great details involved in it, he hoped the honourable and learned gentleman would not press the bill during the present session. After the bill should have been brought in, it could be printed, and members could so be prepared for its discussion. He, at least, would give it his best attention.

Mr Brougham expressed his acquiescence in this delay, though he would be better pleased to get the bill through in the present session.

Mr Wilberforce and Sir James Mackintosh expressed their approbation of the plan.

Mr Vesey Fitzgerald and Sir John Newport expressed their sense of the great benefit which such a measure would secure to Ireland, though there were many details in the present bill which appeared to them inapplicable to that country.—Mr Brougham stated, that in framing its provisions, Ireland had not been at all in view.

Leave was then given to bring in the bill.

Among the miscellaneous proceedings of the year, it would be improper to omit the proposition made for the abolition of the Welsh system of judicature. This was brought forward on the 1st June by Mr Frederick Campbell, who observed, that the present system of Welsh judicature was first adopted at a period when a distinct line could be drawn between England and Wales, and when great animosities subsisted between the inhabitants of the two countries. At

that period it might be perfectly proper; and a court like the court of great session might have been absolutely necessary. Now, however, that the boundaries of England and Wales served for no other purpose than that of a geographical distinction, and that the interests of their inhabitants had become so closely interwoven that they could never again be easily separated, the case was completely altered, and the necessity for the existence of a separate court, like the court of great session, was materially diminished. It was urged, indeed, in favour of this system, that the law was more cheaply administered under it, than it could be under any other. There was indeed a regulation by which every action must be concluded within a week, but was this consistent with the due administration of law? If the suitor did not like such summary justice, he must either submit his case to arbitration, postpone it for six months, or carry it to the next English county. Mr Campbell endeavoured to shew, that the alleged cheapness was illusory, unless in a few cases, where, if it appeared expedient, the old system could still be retained. Then there were no lawyers in Wales duly acquainted with equity proceedings, which appeared indeed to be of only secondary consideration in these circuits. He objected to the judges in these courts being allowed to practise as barristers in other courts, and particularly to the mode of their appointment. The nomination lay in the treasury, and when a vacancy occurred, instead of looking about at the bar for the most proper person to fill it, they looked at the House of Commons, of which they knew much more; and if a seat could be secured, or a vote gained by it, so much the better. They were not very nice in their selection, as the salary was so

small, and the situation itself so undignified, that few lawyers of respectability could bear to lose so much of interest and character as the acceptance of this situation might suppose. The English judge held his situation free and independent of the Crown; he discharged the duties of his high office without dependence upon those by whom he was appointed. The situation of the Welsh judge was, on the contrary, dependant and obscure, the administration of justice vague and uncertain. The defects of the Irish courts had been ably pointed out by Lord Colchester, who had observed, that the present English judges would indeed be unequal to such an addition of business, but that the purpose might be answered by three additional ones, to assist at the Old Bailey, and go occasionally to the northern circuit.

These observations excited no small indignation in Mr Warren, the Chief Justice of Chester, who then filled his seat in the House. It was too much for the honourable member to say that all the Welsh judges were obscure and ignorant. Did the honourable member mean to say that he (Mr Warren) was obscure? He should hope not. But had the honourable gentleman ever heard that Sir Win. Grant was one of those who had held the situation which he himself had the honour to fill? He presumed not. Had the honourable member ever heard that Justice Mansfield, that Sir Vicary Gibbs, that Lord Kenyon, that the present Chief Justice Dallas, and other distinguished characters, had filled the same situation? It was not known, perhaps, to some members, that a committee had been appointed in 1817 on the subject of the Welsh courts and the Welsh judges; and, after the examination of several distinguished individuals, they made their report—and what was the re-

sult? Not that those courts should be abolished—on the contrary, they recommend that they should be kept up “on account of” (as the preface to the report observed) “the cheapness and expedition with which justice was administered in them.” They had pointed out, indeed, some particular defects, and Mr Warren was preparing to bring in a bill to remedy these, and only waited the result of the present motion.

The motion was supported by Mr Creevey and Lord John Russell; also by Mr Wynn, who observed, that the committee had not reported on the propriety of Welsh judges being allowed to sit in the House. In consequence of the lamented death of Mr Ponsonby, the chairman of the former committee, together with other circumstances, the effect and bearing of the evidence taken before it had never been laid before the House.

Colonel Wood said, that though Mr Ponsonby had begun the inquiry with strong prejudices against the Welsh system, he had finally thought it inexpedient that it should be entirely done away with. One great inconvenience was, that many of the witnesses could not speak English, and when put into the box their first answer was, *dem Sussenach*. The distance and state of the roads would render it highly inconvenient to the judges, the present Chief Justice, for instance, to travel the Welsh circuit. He thought the alteration of their judicature would excite great dissatisfaction through the principality.

Mr Wrottesley confirmed the statements of Colonel Wood; but Mr J. Allan stated his impression to be decidedly different. The only merits he had heard ascribed to the system of Welsh judicature, were its superior cheapness and dispatch. Upon the point of cheapness, it might indeed be said that the items, the details of

legal expenses, were cheap; but if they would take any town or district of Wales, they would find that the total sum expended there in litigation would very far exceed that of any town or district of the same extent in England,—a circumstance which arose, no doubt, from the tendency which the cheapness of laws had to excite litigation. It was as a member of this principality he now claimed for his countrymen that they should be admitted to all the advantages of the British constitution—advantages which they could not be said to possess while they had inferior judges, an inferior bar, and inferior attorneys.

Lord Castlereagh had always supposed that the subject had undergone the most elaborate examination, and that every possible inquiry had been made. Now, however, it appeared that the labours of that former committee had terminated under circumstances less satisfactory, certainly, than they would have been, if, after hearing all the evidence to be brought on the subject, and with the additional advantage of hearing the manner in which it was given, they had gone on to make a report which should have been of that clear and ample nature which generally resulted from the labour of a committee. He had no objection, if the House felt so disposed—and he fairly owned he felt himself disposed—to have the question further investigated; but he should wish that to be done without prejudice to the existing judges, who were distinguished by every quality

that was honourable in society; a judicature to which, if he might believe the greater part of the evidence which had been offered on the subject, that part of the country was most warmly attached. He objected, however, to the wording of the motion, by which the committee were instructed to consider the propriety of abolishing the Welsh judicature, and the best means by which the same could be effected." He would suggest the words of the original motion for a committee—"To inquire into, and report to the House, their observations touching the administration of justice in Wales." At the same time, his Lordship strongly censured the personal reflections which had been made upon individuals, and denied that the appointments were made by government, with any view except the efficient discharge of the situations.

Mr Barham stated his impression that Mr Ponsonby had never materially altered his opinion on the subject. He remembered his remarkable expression, "it would be better for all to get into the great boat." Many of the Welsh judges were highly respectable, but there were too many of a different character. He believed the wish of the inhabitants was almost unanimous to be placed on the same footing as England.

The Chancellor of the Exchequer and Mr W. Parnell strongly defended the character of the Welsh judges.

Mr Campbell, after some discussion, agreed to Lord Castlereagh's amendment, and the motion for a committee was carried.

## CHAPTER VI.

### THE QUEEN—ARRIVAL.

*Delicate situation of the Queen.—She quits.—Journey through France.—Interview with Lord Hutchison at St Omers.—She crosses the Channel, and arrives in London.—Popular enthusiasm in her favour.—King's Message to Parliament.—Debates in both Houses.—Delay.—Unsuccessful Negotiation.—Resolutions moved by Mr Wilberforce—Rejected by the Queen.*

AFTER the disappointment of successive attempts to involve the state in anarchy, the nation began to breathe, and sanguine hopes were entertained that the new reign would flow on in a more tranquil and uniform tenor. The present, however, was, on the contrary, the era of a convulsion, which, if less perilous, was more violent and universal than any which Britain had experienced for ages preceding. We approach with pain to a subject, on which the passions of men were so highly inflamed, and where there appears so little room for praise on either side ; but where, on the contrary, we may find something to blame in every thing that was said and done by almost every person. The event, however, makes too great a figure in history, and afforded too ample a display of the genius and character of the nation, to be passed over without full notice.

He who had observed the temper of the British public for some time previous, and the objects by which

its passions had been excited, might have supposed, that nothing merely personal to royalty, nothing which did not directly tend to the benefit and relief of the nation itself, could have caused any strong agitation.—Experience only could shew that these principles still possessed so great a force, and could serve even as a focus to collect all the energies of popular faction. Not even those who were most to profit by the circumstance could previously anticipate it. From the moment, indeed, of the recent accession, it was perceived that the relations between the two greatest personages in the state must be of delicate and difficult adjustment, and likely to involve the executive in serious embarrassment. The feelings of the respective political parties were shewn by the ample and exulting terms in which the one dilated upon the subject, and by the niggard and cautious responses of the other. Both foresaw a struggle, though neither of them that terrible struggle which actually ensued.



It is not, we presume, denied by either party, that impressions very unfavourable to the Queen had been received from abroad, and were generally credited among the higher circles. These impressions, according to one party, were derived from the uniform consent of every one who had possessed any opportunities of judging; while, according to others, they were studiously circulated by enemies, who scrupled at no means, however criminal, to gratify their animosity. According to these reports, however, this unfortunate lady was represented to have renounced not the reality only, but even the appearance, of the virtues becoming her sex and rank. It was in these circumstances that measures were taken by ministry to establish and condense the facts belonging to this subject, so as to bring them to proof when the occasion should require. Upon this principle was formed the Milan Commission, the object of so much discussion and criticism. There is necessarily something odious in inquisitorial practices, especially when carried on against a female standing in an unprotected situation. At the same time, any party which has a right to carry on legal proceedings against another, seems to have a clear right to employ agents to collect evidence in its own favour. The character of the English agents employed has not been impeached; it has only been wondered, of some of them, that they should engage in an employment so little congenial to men of nice and lofty feelings. At the same time, in the case of such witnesses as were to be got, it was very necessary to guard, lest their answers to such powerful inquirers should be dictated rather by a consideration of what would be agreeable, than of what was true. It behoved also ministers to be on their

guard against the necessary tendency of their own agents to represent their information in colours that might be most satisfactory to their employers. Whether all these considerations were duly weighed, may appear in the course of future proceedings. Meantime, it appears that ministers believed themselves, from the result of those inquiries, to have derived a full proof of criminal and degrading conduct, such as would fully justify any exertion to which they might chuse to proceed. The resolution formed, and which, with this conviction, cannot be considered as very violent, appears to have been, to leave the Queen unmolested in a private station, and even to supply her with the means of supporting the rank, and tasting the indulgences, to which she had been accustomed, but to withhold every thing which belonged to the state and dignity of Queen. Should any attempt be made to claim these, that mass of evidence was kept in readiness to burst forth, which, it was supposed, would speedily level in the dust all her pretensions.

The first public indication of this system was given by the exclusion of the Queen's name from the liturgy. By the most considerate well-wishers to the cause of royalty, this measure met only with half approval. This did not appear the occasion or the manner in which humiliation ought to have been inflicted. It was an insult of such a nature, that, unless the Queen was prepared to submit to every thing, could not fail to bring on a violent collision.

There was nothing either in the past or present conduct of this royal personage tending to authorise such an expectation. Without delay, she dispatched a letter to the Earl of Liverpool, demanding that her name should be inserted in the liturgy; that

instructions should be sent to all ministers and consuls abroad to pay her the respect due to the Queen of England, and that a palace should be provided for her at home. \* No answer, at least no satisfactory answer, being received to these demands, no hesitation was felt in resolving to proceed independently, and in defiance of government; and early in May, the Queen began to put herself in motion towards England.

In England, meanwhile, no symptoms yet appeared of the tempest which was about to explode. Even the most zealous promoters of faction were still unconscious of the mighty instrument which was soon to be in their hands. The movements of the Queen were announced only by obscure paragraphs in the corners of the newspapers, which, a few weeks after, were to treat every other subject as unworthy of being placed in competition. So great seemed the national tranquillity, that no hesitation was felt in announcing the coronation, which it was well understood that the King alone was to share. The necessary orders were issued to the respective tradesmen; places were secured for viewing the procession; the table of the Privy Council was covered with petitions from those to whom usage assigned either stations or perquisites in this splendid ceremony, and the minds of all men seemed solely engrossed by this approaching pageantry.

The Queen, meantime, was proceeding steadily in her destined purpose. On the 17th April, she gave an entertainment to her Italian friends, and took leave of them at her villa, near Pesaro. Her motions were then little noticed; but she proceeded, we believe, by way of Turin to Geneva. Towards the end of May we find her at Dijon, whence proceeding forward

to Villeneuve, she was met by Alderman Wood and Lady Anne Hamilton, who came to welcome her, and to attach themselves to her fortunes. Here a consultation was held;—the result of which was, that a courier was dispatched to London with three letters; one to Lord Liverpool, requiring that a palace should be immediately prepared for her reception; another to Lord Melville, with the demand that a yacht should be ready on the 3d June to convey her to the British shore; a third to the Duke of York, containing a recapitulation of both demands, and a general complaint of the manner in which she had been treated. The messenger was desired to bring the answers to St Omer's, whither the Queen meant to proceed with the utmost expedition. Accordingly the party left Villeneuve on the 29th May, and passing through Melun to avoid Paris, posted with such rapidity, that on the 1st June they arrived at St Omer's.

Ministers were probably taken considerably by surprise with an event, which, though impending, had hitherto been considered as distant. The demand of a yacht, which was the most immediate, was evaded, by Lord Melville stating, in a note to Lady Anne Hamilton, that in consequence of his Majesty's absence from town, his orders could not be taken on the subject. No time, however, was lost in adopting the most vigorous measures to avert the threatened landing. With this view they solicited the mediatorial services of Lord Hutchinson, who had been once much attached to her Majesty, and was now a confidential friend of the King. To him they communicated the terms on which they were willing to come to an accommodation, and which were founded on the basis stated above. Lord Hutchinson was accompanied

by Mr Brougham, who seems to have been laudably willing to co-operate in preventing the Queen's arrival in England, at the same time that, as her confidential adviser, he was anxious to negotiate for her the best possible terms. The conjunct deputation did not arrive at St Omer's till Saturday the 3d, when Lord Hutchinson was immediately admitted to an audience of her Majesty. He was graciously received, and at the close of the interview, was requested to state in writing the nature of the proposals with which he was charged. Some difficulty was made, on the ground that he had only notes of conversations, and loose memoranda, containing the general ideas that had been thrown out upon the subject, but scarcely affording materials for a regular proposition. The demand, however, being again urged, with surprise at any hesitation in acceding to it, Lord Hutchinson, after a few hours, produced the following letter to Mr Brougham:—

"SIR,—In obedience to the commands of the Queen, I have to inform you, that I am not in possession of any proposition or propositions, detailed in a specific form of words, which I could lay before her Majesty; but I can detail to you, for her information, the substance of many conversations held with Lord Liverpool. His Majesty's ministers propose, that 50,000*l.* per annum should be settled on the Queen for life, subject to such conditions as the King may impose. I have also reason to know, that the conditions likely to be imposed by his Majesty are, that the Queen is not to assume the style and title of Queen of England, or any title attached to the royal family of England. A condition is also to be attached to this grant, that she is

not to reside in any part of the united kingdom, or even to visit England. The consequence of such a visit will be an immediate message to Parliament, and an entire end to all compromise and negotiation. I believe that there is no other condition—I am sure none of any importance. I think it right to send to you an extract of a letter from Lord Liverpool to me; his words are—'It is material that her Majesty should know confidentially, that, if she shall be so ill advised as to come over to this country, there must then be an end to all negotiation and compromise. The decision, I may say, is taken to proceed against her as soon as she sets her foot on the British shores.'—I cannot conclude this letter without my humble, though serious and sincere supplication, that her Majesty will take these propositions into her most calm consideration, and not act with any hurry or precipitation on so important a subject. I hope that my advice will not be misinterpreted. I can have no possible interest which would induce me to give fallacious counsel to the Queen. But, let the event be what it may, I shall console myself with the reflection that I have performed a painful duty imposed upon me to the best of my judgment and conscience, and in a case in the decision of which the King, the Queen, the Government, and the people of England, are materially interested. Having done so, I fear neither obloquy nor misrepresentation. I certainly should not have wished to have brought matters to so precipitate a conclusion: but it is her Majesty's decision, and not mine. I am conscious that I have performed my duty towards her with every possible degree of feeling and delicacy. I have been obliged to make use of your brother's hand, as I write with

pain and difficulty, and the Queen has refused to give any, even the shortest delay.

"I have the honour to be, sir, with great regard, your most obedient humble servant,

"HUTCHINSON."

It is impossible to read these propositions without feeling how little likely they were to meet the acceptance of one, who was pushing on in such a determined and intrepid career. It is certain that they could never be accepted without a full acquiescence in the criminal charges which the accompanying threat implied. The makers of the offer have been bitterly reproached with lavishing so much, or any of the public money, on one whom they believed, and expected to confess herself, thus entirely guilty and degraded. Admitting all, however, we should not regard 50,000*l.* a-year too much, as hush-money of a subject, which it was so important to withhold from the public eye. There is certainly something odd in the giving of so much money with such an entire denial of every thing else. If the Queen was sunk so low as to make such concessions, might not a better bargain have been made, even as to money? In fact, however, her views and feelings were wrought up to a very different pitch. The letter being read to her by Mr Brougham, was received with the strongest expressions of indignation, and authority given to reject, in an unqualified manner, the proposition. Mr Brougham, according to report, suggested the making a counter proposition; and thus opening a negotiation; but the Queen, instead of complying, left the room unobserved, and asking Alderman Wood to order her carriage instantly, was seen, in a few minutes, driving on the road to Calais. Mr Brougham was only apprised

of this step by descrying her from the windows, and he and Lord Hutchinson found themselves suddenly left together to confer on their abortive attempt.

Leaving St Omer's at five in the evening of the 4th, the Queen arrived at Calais before nine, and apprehensive of any attempt to detain her, went immediately on board the English packet which lay in the harbour. Lord Hutchinson, meantime, struck with dismay at this precipitate departure, drew up the following letter, which seemed to intimate, that the conditions first named were by no means irrevocable.

"St Omer's, 5 o'clock, June 4, 1820.

"MY DEAR SIR,—I should wish that you would enter into a more detailed explanation; but, to shew you my anxious and sincere wish for an accommodation, I am willing to send a courier to England to ask for further instructions, provided her Majesty will communicate to you whether any part of the proposition which I have made would be acceptable to her; and if there is anything which she may wish to offer to the English government, on her part, I am willing to make myself the medium through which it may pass. I have the honour to be, &c.

"HUTCHINSON."

HENRY BROUGHAM, Esq.

The Queen received this letter in the packet, but declared that there was nothing in it to change her purpose. Inspired, probably, with some presentiment of the reception which awaited her on the British shore, she shewed the utmost impatience of any thing which could delay her landing. The packet was detained for several hours in the harbour, and, after leaving it, the wind was for some time contrary; but a favourable breeze, springing up, brought the vessel,

about one in the forenoon of the following day, off the harbour of Dover. The tide prevented it from entering immediately; but her Majesty, brooking no delay, went into an open boat, amid a considerable swell, and quickly set foot on the British shore.

Of all the agitations by which this great nation has been shaken, none, perhaps, so sudden, so deep, and so universal, was ever caused by any single event. Those public events, which involve ties and connexions of a domestic nature, excite interest in numerous classes, who turn with disgust from the ordinary topics of political discussion. This cause contained elements, which brought it powerfully home almost to every bosom.—With the great numerical mass of the nation, one sentiment only prevailed. The whole, to the class of second-rate shopkeepers upwards inclusive, embraced the cause of the Queen with the most enthusiastic zeal. All the generous, and all the turbulent feelings of the British people, conspired to turn their feelings in this direction. On one side, sympathy with an illustrious female, supposed injured, unprotected, returning to her rightful kingdom amid the most formidable dangers which stood there arrayed against her; and whom public enthusiasm not only acquitted of all guilt, but invested with every quality which romance bestows on its heroines. On the other hand, was the opportunity afforded of attacking, with impunity, in the most sensible point and effect, the highest constituted authorities, and even of personally insulting the most illustrious individual in the nation. On both sides scope was afforded for the propensities which have always been strongest among this great people; and we cannot, therefore, wonder at the universal ferment excited. All the sufferings of the nation itself,

though represented before as quite intolerable, seemed now unfelt. The courtiers of popular favour laid down their standing topics of radical reform, universal suffrage, and the downfall of the borough-mongers; and directed all their efforts to proclaim and redress the wrongs of an injured Queen. Amid the boundless tide of popular enthusiasm, the higher ranks remained fixed in a sort of timid and hesitating gaze. In the course of travelling and communication, they had been strongly acted upon by the unfavourable reports current on the continent; and all ladies, in particular, could not avoid seeing in the overt acts of their newly-arrived Sovereign, much from which their instinctive feelings of decorum revolted. This class, however, if they did not share in the general spirit, merely stood aloof, and gave no interruption to it; so that the Queen, on landing, appeared to be hailed with one unanimous and enthusiastic greeting from the whole kingdom united.

The Queen received at Dover the first earnest of the flattering reception which awaited her. As rumour had already announced her coming, the shores and surrounding heights were lined with spectators, whose feelings were announced by loud and applauding acclamations. The crowd was such as to make it impossible for her Majesty to proceed on foot; and on getting into a carriage, the horses were taken out, and it was drawn to the inn by the populace. The commandant, after some hesitation, fired a royal salute, and stationed a guard of honour at the door of the hotel. Although her Majesty departed for Canterbury before six o'clock, she had already been waited upon, and an address presented, by a deputation of the principal inhabitants. The road to Canterbury was filled with numerous spectators; and on reaching that

ancient city, the light of a hundred torches shewed nearly the whole inhabitants assembled to hail her entrance; while, at the hotel, the mayor and corporation were ready to present an address of congratulation.

On the morning of the 6th, the Queen set out for London, with the announced intention of entering the capital on that day. All on the road thither was in motion. The population of the country, for many miles round, was drawn up on each side; while Chatham, Rochester, Dartford, and the other towns through which she passed, were crowded with applauding multitudes. It was in passing over Blackheath that the population of the metropolis began to be felt, and to mingle itself with that of the neighbourhood, which retained strongly the recollection of her Majesty's former residence there. The spectators now joined the procession, and receiving constantly new accessions from London, swelled by degrees to a countless multitude. As the crowd increased, and the weather became fine, the Queen caused the carriage to be thrown open, and exhibited herself to the admiring gaze of her subjects. As the cavalcade directed itself upon Westminster Bridge, the vast crowds, which were before wandering in uncertainty of its destination, soon collected in the broad avenues of Whitehall and Chancery-cross. The Queen, seated between Lady Hamilton and Alderman Wood, was here exhibited in full view to the assembled metropolis. A different route was said to be intended, but the vanguard taking that of Pall-mall, the rest followed, "nothing loth" perhaps; and thus passing by Carlton-house, exhibited to the King his unwelcome spouse proceeding in this parade of popular triumph. The march closed at South Audley Street,

where Alderman Wood had quitted his house to be occupied by her Majesty. Even after her entrance, the crowd continuing to fill the street in a vast unbroken body, she was graciously pleased to come forth and receive their homage, which was expressed by loud and multiplied plaudits.

Amid this boundless tide of popular enthusiasm, ministers, in the interior of the cabinet, were earnestly deliberating on the painful course which they had now to take. They had determined, and probably pledged themselves, if ever the Queen should set foot on English ground, to open immediately that hoard of collected proof, which, when exhibited, was expected to place her completely at their mercy. The enthusiastic part taken by the nation on the opposite side, though it shewed distinctly the abyss of odium in which they were to plunge, made no change in their fixed purpose. The two days, in which the Queen was making her triumphal journey from Dover to London, were spent by the cabinet in long and frequent conclave. The result appeared in a message transmitted to both Houses on the Tuesday, even before the Queen had reached London. It was contained in the following terms:

"GEORGE R.

"The King thinks it necessary, in consequence of the arrival of the Queen, to communicate to the House of Lords [or Commons] certain papers respecting the conduct of her Majesty since her departure from this kingdom, which he recommends to the immediate and serious attention of this House.

"The King has felt the most anxious desire to avert the necessity of disclosures and discussions, which must be as painful to his people as

they can be to himself; but the step now taken by the Queen leaves him no alternative.

"The King has the fullest confidence that, in consequence of this communication, the House will adopt the course of proceeding which the justice of the case and the honour and dignity of his Majesty's crown may require.

"GEORGE R."

A green bag, containing the papers referred to, was laid on the tables of both Houses. In the House of Lords, no observation was made; and it was merely ordered, on the motion of Lord Liverpool, that the message should be taken into consideration on the following day. In the Commons, the affair did not pass so silently. The popular leaders inveighed in the strongest manner against the conduct of ministers.—Mr Bennet could not credit that it was possible for an English minister, without the consent or approbation of Parliament, to make a proposal of the following nature to an English Queen:—"Divest yourself of your title," to which, by the bye, she had as good a right as the King had to his, "and I will give you a bibe of 50,000*l.* a-year,"—not taken from the pocket of the crown, but taken from the pocket of a distressed and impoverished people, to be given to a person, who, according to his account, was not only unworthy to sit upon the throne, but even to set foot upon the soil of England.—Sir R. Wilson did not now allude to the indignities which the Queen had received from our ministers at foreign courts, or from those foreign courts themselves, at the instigation of those ministers, nor to the paltry indignity of striking her name out of the liturgy of the church; but he did allude to the treat-

ment which she had received in her journey to this country, and to the obstacles which had been raised up to retard it. It was a disgraceful fact, that the Queen of England, in crossing from the continent, should have had no other vessel on which to erect the royal standard than a common passage boat." It was a disgraceful fact, that she should have no place to which she could fly to as an asylum; that she should have no other roof to shelter her head, than that of an individual who was an honest man.—Mr Creevey observed: The arrival of her present Majesty appeared to have created indescribable alarm amongst gentlemen on the other side of the House: for, strange as it might appear, fifteen ministers failed last night to attend in their places, being too busily employed in arming against one poor, weak, defenceless woman. And who was that woman? The daughter of the Duke of Brunswick, the niece of the late King, the wife of the present King, the mother of the Princess Charlotte.—Lord Archibald Hamilton dwelt particularly on the erasure of the Queen's name from the liturgy, by which a prejudice had been created, and she had been treated as guilty, while nothing had been yet proved against her. Particular expectation was entertained from Mr Brougham and Mr Denman, the Queen's legal advisers, who were both in the House; but they spoke as yet with extreme reserve. Mr Denman only thought that, in common justice, he was entitled to ask that the illustrious personage, whose arrival in her adopted country had been greeted with an accusation, founded not upon witness, but upon papers, and which was to be referred, not to the common tribunals of the country, but to a secret committee of the House, should have the earliest possible notice, and

the most distinct account of the proceedings intended to be instituted against her.

Mr Brougham insisted, that his Majesty's government would not only have to perform the task, and to succeed in the task, of making out a strong case against the Queen; but they would have another task to execute, foremost in situation and paramount in importance, as regarded their own justification—they would have to shew, satisfactorily to shew, to convince the House and the country, that it had become impossible longer to postpone or to suppress the discussion. Which way soever might be the merits of the case was, in his view; a matter of minor importance, because, whatever might be the Queen's case, the case of ministers must be, that the landing of the Queen in England, that simple act, made all further forbearance absolutely impossible. Mr Brougham declared the statements published respecting what had past at St Omer's to be in a great degree garbled; at the same time he admitted their truth in the main, by declaring his astonishment by what channel they had reached the public, and protesting his own innocence of any concern in their communication.

On the following day, the subject was brought fully into discussion, by the motion made by ministers in both Houses, to refer the papers submitted to them to a secret committee, which should be directed to inquire what proceedings, or whether any, it would be proper to hold upon them. He declined saying much at present, and wished rather to hold himself in readiness to answer any objections that might be raised.—The Marquis of Lansdowne was the first member in opposition who spoke on this delicate subject. He complained that ministers should not have given any information as to the grounds on

which they had adopted the present course of proceeding. In the absence of this information, he would state such observations as had occurred to him. It was well known that a similar message had been sent to the other House, of which, for aught their lordships knew, an impeachment might be the consequence. They would then be called upon to act as judges; and he besought them to consider, whether the course now recommended did not involve something inconsistent with the exercise of such a function. Was the course proposed by the noble earl attended with any advantage capable of inducing their lordships to encounter this risk? Certainly, if the reference of the papers to a secret committee would really have the effect of secrecy with respect to the public—if that reference might be the means of preventing the public of England from becoming parties to transactions which it must be the wish of their lordships, and every honest man, rather to conceal in oblivion—he would approve the course proposed by the noble lord. But did any man actually believe that the reference to a secret committee would have such an effect? Was the illustrious person who was made the subject of inquiry, to receive no notice of the evidence laid before the committee, and to have no opportunity of rebutting it? Why, then, were not their lordships in the first instance informed of the view which his Majesty's government had taken of the case? Were there not in that house noble lords who had been the advisers of the crown in this affair? What additional information to that which these noble lords possessed, was it possible to convey through the medium of the committee? His Majesty's Ministers had had every opportunity of forming an opinion, and must know all the cir-



cumstances of the case infinitely more correctly than they could be known by the committee. All secrecy was in its nature an evil, but occasions might occur in which it was necessary. In no instance, however, did the usual practice in the appointment of secret committees apply to the present case. Secret committees had been appointed in cases of plots and conspiracies, the proof of which depended on the evidence of persons whose names could not be revealed—in cases when the investigation related to individuals, whom it was important to keep unapprized of the existence of any proceedings against them—or in cases in which the interests of foreign states were concerned. But were any of these instances applicable on the present occasion? Was it necessary to conceal the names, characters, and situations of the witnesses in a case on which their lordships might be ultimately called upon to give judgment? Whatever propriety there might be in concealment, it could not be admitted in cases, the result of which might be penal. After the report of the committee, the House would not be placed in a better situation to judge than they would be on the statement of the noble lord opposite; for the committee, it appeared, were to have no opportunity of hearing any other evidence than that which his Majesty's ministers chose to lay before them, and could not call for the defence of the party accused.

The Earl of Liverpool observed, that having recommended the reference to a committee, as the fittest course of proceeding, he could, with no propriety, anticipate the decision of that committee. He could assure the House, however, on the highest authority, that there was no chance of the affair coming from the Lower House in the form of an impeach-

ment. In all cases of High Treason, the female could be brought in only as an accessory. In case of adultery committed with a foreigner, that foreigner not being anenable to our laws could not be guilty of high treason. Where there was no principal, therefore, there could be no accessory. In all cases of bills of pains and penalties since the Revolution, he believed secret committees had been appointed. On these grounds he thought the course he had recommended was most decorous and respectful to the Queen, and most suited to the case. What it was proposed to inquire was, whether any proceeding was proper, and, if any, of what nature and to what extent; and he would ask, was not this more decorous to the individual, than for a minister to come down at once with a proposition?

Lord Holland observed, that though it had been given as the opinion of many lawyers, that the House of Commons could not institute an impeachment upon the present case; yet the papers had been referred to that House which formed the Grand Inquest of the nation, and was at perfect liberty to form its own opinion on the subject. He knew of no instance in which penal proceedings had been founded on facts contained in a message to both Houses. If a bill of divorce, or of pains and penalties, was wanted, the application should have come to the House of Lords only; if judicial proceedings were contemplated, these could be instituted by the Commons alone. By appointing a committee to inquire and to decide, before they knew what would be referred to them for their judgment in their judicial capacity, they placed themselves in a situation either of being a tainted tribunal, or of refusing justice altogether. This was an objection to the motion now

recommended, which he could urge on constitutional grounds; but the influence of this objection was greatly strengthened on his mind by a recollection of the mode in which secret committees had lately been appointed, the manner in which they had conducted themselves, the measures they recommended, and the unfortunate associations connected with them. He would not examine the laws which had been enacted on the suggestion of such committees, but he could not forget that their acts had been of such a nature that a ~~given~~ bag and a secret committee were considered by the public as the prelude to the most monstrous displays of injustice, harshness, and tyranny. It could not be denied that there existed great sensitiveness and irritability in the public mind on the question ~~now~~ before the House, and it would be unfortunate if these feelings should be increased by seeing a mode of proceeding adopted, so odious and obnoxious, as that by a secret committee. He therefore conjured then lordships, as they valued their own character and estimation with the country, not to adopt such a mode of proceeding.

The Lord Chancellor, after stating that he never had so painful a duty to discharge as now, defended the appointment of a committee of inquiry, which appeared to him the step best calculated to prevent injustice. The objection of his noble friend (Lord Holland) to the appointment of a committee, did not appear to him well founded. There might be judicial proceedings at the instance of the Commons, after the committee had reported on the papers before the House, as the secret committee could, in that case, be regarded only in the light of a grand jury, deciding that matter of accusation existed. The committee, on examining the papers,

would declare either that there were grounds of accusation, or not. If the former, the House would know how to deal with it; and if the latter, no injustice could be done. What, therefore, could accrue from the appointment of the committee? Good God! could their lordships be said to be deciding against individuals, because they stood forward to protect them from the result of disclosures, where there had not been found grounds of trial? He entirely agreed with Lord Liverpool as to the legal character of the supposed crime, which, from being committed abroad, could not be amenable to the ordinary course of justice. In a case like the present, Parliament must interfere, or there would be no interference whatever.

The Earl of Donoughmore, who had usually opposed the measures of ministry, gave them his entire support in the present question. The noble lords who had argued the question upon his side of the house, appeared to have forgotten the nature of the proceeding, the merits of which they were discussing. Those noble lords seemed to regard the proceeding as one which was to cimate, and even finally condemn, the illustrious person to whose conduct it was applied: but was it not most clear that the proceeding amounted simply to this—to an inquiry on the part of that House, conducted by a secret committee, conducted in the manner most decorous, most delicate, and most respectful, both towards the parties concerned, and towards the public, and conducted in the manner most peculiarly calculated to allay that irritation of which such frequent mention had been made?

Lords Lansdowne and Holland severally explained, after which the reference to a committee was carried without a division.

The same day was marked in the

House of Commons by a more animated and interesting debate. It was opened by a communication from the Queen herself, which was read by Mr Brougham, and was conceived in the following terms :

“ The Queen thinks it necessary to inform the House of Commons, that she has been induced to return to England in consequence of the measures pursued against her honour and her peace for some time by secret agents abroad, and lately sanctioned by the conduct of the Government at home. In adopting this course, her Majesty has had no other purpose whatsoever but the defence of her character, and the maintenance of those just rights which have devolved upon her by the death of that revered Monarch, in whose high honour and unshaken affection she had always found her surest support.

“ Upon her arrival, the Queen is surprised to find that a message has been sent down to Parliament, requiring its attention to written documents; and she learns with still greater astonishment, that there is an intention of proposing that these should be referred to a select committee. It is this day fourteen years since the first charges were brought forward against her Majesty. Then, and upon every occasion during that long period, she has shewn the utmost readiness to meet her accusers, and to court the fullest inquiry into her conduct. She now also desires an open investigation, in which she may see both the charges and the witnesses against her—a privilege not denied to the meanest subject of the realm. In the face of the Sovereign, the Parliament, and the country, she solemnly protests against the formation of a select tribunal to examine documents, privately prepared by her adversaries, as a proceeding unknown to the law of the land, and a flagrant violation of all the

principles of justice. She relies with full confidence upon the integrity of the House of Commons for defeating the only attempt she has any reason to fear.

“ The Queen cannot forbear to add, that even before any proceedings were resolved upon, she had been treated in a manner too well calculated to prejudge her case. The omission of her name in the liturgy; the withholding the means of conveyance usually afforded to all the branches of the Royal Family; the refusal even of an answer to her application for a place of residence in the royal mansions; and the studied slight, both of English ministers abroad, and of the agents of all foreign powers over whom the English Government had any influence—must be viewed as measures designed to prejudice the world against her, and could only have been justified by trial and conviction.”

The message being read, Lord Castlereagh entered into an elaborate *exposé* of all the views and principles upon which Government had acted in this critical proceeding. The House would readily perceive the great pain of that duty which devolved on him in introducing to their notice one of the most delicate, anxious, and momentous public questions that ever was agitated. Generally speaking, Parliament, in replying to a royal message, had a direct and simple course to follow; but he was sure that enough of temper had been disclosed within these walls—and he might appeal to the declaration of the learned gentleman himself, (Mr Brougham) whether there had not been enough of exaggeration and partial representation without doors—to call on him so far to travel beyond the real necessity of the case, as to offer such explanations as would make the circumstances of which the House were to judge ge-

nerally understood. His Majesty's ministers came down to the House neither as persecutors nor prosecutors—no part of their conduct, he was sure, warranted such a charge. His Majesty threw himself on the great council of the land, in a case which nearly interested the nation as well as himself—called on them to look to the case, and to tender him such advice as they would think best suited to the situation in which the country now stood. There appeared to him no doubt as to the proper course to be pursued; and he could assure the House, that no vote which any one might give, would fetter his decision as to ulterior proceedings, or even as to whether there should be any proceedings at all. But at the same time, he should mislead the House—and on that point he deprecated the idea of the learned gentleman (Mr Brougham) deceiving himself—if he disguised that in these communications there was matter that gravely and deeply implicated the illustrious personage to whose conduct the documents referred. He was astonished that the Queen's advisers should have impressed her with the belief that any guilt could attach to her, or even to the lowest individual in the land, without a public hearing of the whole merits of the case, without a full examination of evidence, such as was in all cases admitted in a court of justice, and without a full power of cross-examining that evidence, so as to afford every opportunity of proving or disproving the charge imputed.

The first question before the House, related to the course of proceeding best calculated for securing justice to all parties concerned. He proposed a committee, appointed not by ballot, but by nomination. He would wish an impartial committee, yet he would not propose Mr

Brougham and Mr Denman, the Queen's confidential advisers, as members of it. He conceived, that by so doing, he would place these gentlemen in a very awkward and unpleasant situation. Lord Castlereagh could not help remarking on the opposite line which prevailed among some members on the opposite side. Mr Tierney had, on a former occasion, urged, that no step should be taken with regard to the Queen, till the charges against her had been fully investigated, and till either her guilt, or her innocence were fully established. Mr Brougham, on the contrary, denounced ministers as having precipitated such an investigation; and declared, that they could not be justified in the eyes of the country, till they had shewn themselves to have made every possible sacrifice in order to avert it. He conceived—the honourable and learned gentleman would bear him out in the assertion—that, after the transactions which had occurred within the last forty-eight hours, little could be expected from any further negotiation with the illustrious personage. He himself could bear testimony, and had in fact borne testimony, how little her Majesty was under the advice of those who should be considered as her legal advisers. The publication of the papers, which the honourable and learned gentleman complained of, as having been sent before the public partly untrue, and garbled, incorrect, and imperfect, was a proof that her Majesty had not been swayed by the advice of those who were her constitutional advisers, but had taken other, and he would add, criminal advice, and appealed to the lowest order of the people. (*Hear, hear, from the ministerial benches.*) He would ask for what purpose had those communications been made, and what was the use made of them? He regretted

that, on such an occasion, her Majesty had not resorted to the advice of those who were her professional advisers, and that she should have suffered by a base and pernicious interference. It was a full month ago since ministers had communicated to Mr Brougham the principle on which they intended to act. He had no hesitation in stating, that if her Majesty had allowed that practical separation, to continue which had so long subsisted, and had remained abroad, so far from bringing on any measure of this kind, his Majesty's ministers would have felt it their duty to avert this painful examination. He deprecated the assertion, that it was a flagrant breach of duty to have held out what was termed a bribe to her Majesty—that it was a forgetfulness of constitutional duty to have offered any sum of money, without previously consulting the House, who were ultimately to vote it. In contracting with a foreign power for a subsidy, no previous mention was made to Parliament of the sum so to be given. No doubt the treaty would be afterwards to be submitted to Parliament, and such would be the understanding with all the contracting parties; but still it was the practice to arrange the amount of the sum, without any previous application to Parliament. It was said that the offer had been made to her Majesty on condition of her resigning her titles and rank as Queen. No such proposition could be made; nor could it be said that proceedings should be commenced as against her Majesty, in consequence of her not resigning her honours and titles as Queen. Her Majesty could not resign those titles; they belonged to her, and they could not be removed, unless the legislature concurred in an act for that purpose. Therefore such a proposition could not be made to, or effectively complied with by her

Majesty. What was understood was, that by her Majesty remaining abroad, the whole of those conflicts would be avoided which must arise from her residence in this country; for it could not be denied, that, if her Majesty remained here with the rights and privileges of her rank as Queen, it would occasion daily conflicts in a particular quarter, which there would be no lack of disposition to turn to another purpose. The understanding with respect to her Majesty's title as Queen was, that (on signing her residence abroad) she should travel under such a title as might prevent the recurrence of those circumstances which must be painful to her Majesty, and which arose from conflicts with public officers abroad while travelling under her title as Queen. But this was never meant to be understood as requiring her Majesty to surrender any legal right or title which she possessed, and the honourable and learned gentleman possessed a document which would put this matter beyond all doubt, and shew that no such thing was ever in contemplation as to take away any of her Majesty's legal rights or titles.

As to the reports of his Majesty's ministers acting as men and as ministers in opposition to her Majesty, and wishing to deprive her of those rights and privileges which she ought to enjoy, he would say, that there was no foundation for the charge. There existed no such disposition amongst his Majesty's ministers. But in looking at the privileges of her Majesty, the House should distinguish between those which she held as matters of right, and those which she enjoyed as matters of grace and favour on the part of his Majesty. If not debarred from those which belonged to her as matters of right, she ought not to complain that she did not enjoy those which are only given as matters of favour. As an instance of a privilege

of the latter description, he would mention reception at court ;—of this the King himself must be the best and sole judge, for no one would assert that he had not a right to regulate his own court and his own family ; and no one could justly complain of his doing so. When this subject was before the House on a former occasion, it was held that the King was the regulator of his own court, and the Queen of her drawing-room ; and that the King had the undoubted right to arrange his court and family as he pleased. He apprehended that any honours paid to the Royal Family were derived from the favour of the Crown ; and any want of respect to the Crown might be a ground for depriving any member of that family of those privileges. He apprehended that the coronation was also a privilege which must be considered as derived from the grace and favour of the Crown ; but he would admit, that in this the Crown should not act irrationally, but upon intelligible principles. In the same manner must be viewed the reception by authorities at home or abroad ; they all proceeded from the grace and favour of the Sovereign. Was it meant to be said, that the Crown, for exercising its undoubted prerogative in withholding these distinctions, was to be accused of injustice towards that individual, whom its determination affected ? He should be prepared, at another time, to contend, that it was entirely in the discretion of the Crown, whether the members of the Royal Family should be prayed for in the liturgy, by name, or generally as the Royal Family ; but, above all, he should contend that it was for the Crown to grant or withhold such a favour. As to the treatment of the Queen by the foreign ministers of the Crown, this point had been settled since 1817, when instructions had been issued in consequence

of application made by the minister at Stuttgart. These instructions distinctly said, that they were not in their official character to give to her Majesty any public or official reception ; that they were not themselves to be the instrument of introducing her Majesty at foreign courts ; and that if any foreign court should think fit to give a public reception to her, they were not to assist on the occasion as the ministers of this country. But it would be found that it was laid down in those instructions, quite as broadly, that they were equally enjoined to obtain for, and give to her Majesty, every possible facility and comfort in the prosecution of her travels through the kingdoms where they might be stationed ; and that she was not to receive any interruption. He hoped the House, at least, were satisfied with the explanations which he had given ; but he had no hesitation in saying, that the miseries which had attended her Majesty's travels arose from the situation of her Majesty herself. He had already explained, that her Majesty, since the accession of his Majesty, had travelled under no other character than that of Queen of England ; and the fact was, that her Majesty was in the habit of pressing the question of her public situation upon the public authorities of countries ; and, first, upon our own ministers, because they were the channels of the highest respectability for introduction to foreign courts. As to guards of honour, which were matters of favour, and by no means matters of right ; they were not usually granted to those travelling under an incognito ; and from this, and other circumstances, it was to be inferred, that her Majesty's own acts were the only reason why every facility, of every kind, was not experienced by her. There had been no unbecoming severity exercised towards her Ma-

jesty, even after her unwished-for arrival in this country. Immediate notice had been given that her income would be continued without interruption. If a palace had not been provided, it was merely because there was none in readiness; and others of the Royal Family were in a similar situation. He did not disguise from himself, nor attempt to conceal from others, the difficulties of the peculiar situation of the House; nor its anxious embarrassment, under the circumstances of the case; nor the desire which it must feel to conclude such a discussion. But he trusted, that whatever were the difficulties of the case; whatever might be their feelings upon it; yet, under the influence of our happy constitution, there would be wisdom enough in both Houses of Parliament to meet them; that there would be found to prevail the most temperate deliberation, and an absence of all that feeling and irritation upon the subject, which might prevent Parliament from arriving at the only goal, which, he would assure the House, was contemplated by his Majesty's Government—namely, the execution of impartial justice between the parties, without favour or affection. He did trust that the tone and attitude which were always assumed by Parliament upon great occasions would be preserved upon this; and that though the people could not help sharing in the anguish which the unfortunate circumstances of the case were calculated to cause to every bosom in the country, yet they would have the satisfaction of knowing that the interests of justice were properly supported. But if there was any disposition to evade this question, coming as it did before Parliament; if, unfortunately, an illustrious personage had lent her ear to any mischievous or false advice, (*loud and repeated cries of Hear, hear, hear,*)

who had taught her either that her honour or her innocence—and he trusted that she might be able to vindicate both—would be supported by the agitation of the country, she could reap nothing but regret and disappointment from allowing herself, however undesignedly, to be the dupe of such wicked and dangerous men. If she had any enemies upon earth, whose advice could make her cause despicable as well as odious in the sight of all honest men, they were those who would advise her to a garbled, untrue, and inaccurate disclosure of facts, or who advised any disclosure but to Parliament, which would hear her with that favour with which it was always disposed to listen to the accused. It was only by ignorant, weak, or wicked persons, that any appeal could be advised, which might have the effect of reviving crimes, or repeating agitations, which had already disturbed and disgraced the country.

Lord Castlereagh was answered by Mr Brougham, whose observations, independent of the great talent by which they were marked, excited peculiar interest, from the confidential situation in which he stood, with regard to the Queen. He began by expressing his satisfaction, that the hour was at length arrived when he might freely, fully, and openly defend those interests to the best of his abilities, although he must do so, unfortunately, under the consciousness of his inadequacy to so great a task—great, as regarded those interests which were here at stake, and yet more so, as regarded those others which they involved. It was to Parliament that the illustrious lady, who was the subject of this debate, addressed herself; but it was to the high court of Parliament, and not to any selected band of mutes, that she made her appeal. Her sagacity, not inferior to that of

any person in public or private life whom he had ever met with, her natural propriety of conduct, a propriety maintained under circumstances the most dangerous and hostile to domestic harmony and domestic virtue, satisfied the mind of her Majesty, that an open investigation could alone answer the ends of justice. Exposed as she had been to unusual and imminent temptation, separated from all those friendships and that regular intercourse which were the best guardians and preservatives of female virtue; under all the perilous circumstances in which she was placed, she courted, and declined not, inquiry. Although deprived of that salutary assistance and control which was best afforded by habits of a domestic nature—of that advantage which must always be reaped from an association with those where the feelings of nature were most cherished—the illustrious lady in question came forward with, to all appearances, nothing but conscious innocence to support her. The moral vigour, the strong faculties to which he had alluded, would of themselves, independent of her illustrious birth, have prevented any mean or degrading concession on her part.

Mr Brougham seemed to admit, that the abrupt arrival in England was an error, but excused it on account of her long residence abroad, and disunion from English society. Would those who heard him, possessing as he knew they did, the feelings of men and of gentlemen, with a living spark of honour animating their breasts, severely blame an error, if an error it was, which, under the guidance of perhaps not absolute wisdom, her Majesty had been induced to commit? After an absence of six years, placed in a difficult and trying situation, it would have been almost singular if the Queen had not open-

ed her heart, and given vent to her feelings in acknowledgment of the reception which she met with. It was perhaps a misfortune that such things had occurred, and that the possibility of their occurrence had not been prevented. The noble lord (Castlereagh) the organ in that House of a ricketty and shattered administration, the leading member of a cabinet whose only glory was, that it comprised the first military genius of his age, (the Duke of Wellington,) and the most successful commander whom his country had produced; that noble lord had, it was true, endeavoured to shew that the form of proceeding which he recommended might wear the semblance of a just and impartial investigation. Did any man in sober sense even imagine that a select committee of that House bore the least similitude to a grand jury? Was there any thing at all analogous to the ordinary course of law, the forms of its process, or the rules of its dispensation, in the proceeding to which the noble lord invited their support? Many would concur with the noble lord's object, but few would assent to his reasoning. The evidence which the noble lord now talked of referring to a committee, was made up of papers only, of papers transmitted from beyond the Alps, and which, for reasons that he could not understand, were now for the first time to be disclosed. These papers, however, it appeared, were intended to save the committee the trouble of examining witnesses to their face. For his own part he knew nothing of the materials which were to constitute the subject of inquiry; his knowledge was confined to the exterior of a green bag. In that bag was contained not only all the documentary evidence, but all the evidence of any kind which could be adduced before a committee. He



had reason to believe that no living witness would be brought forward for any further purpose than that of verifying certain signatures.

Mr Brougham then made severe strictures on the conduct of an eminent practitioner in Chancery, who had taken an active part in collecting the evidence; but the noble lord thought proper to contend, that all proceedings before a committee would be indifferent as to the result of an ulterior inquiry. This proposition he begged leave to deny at once. The report of a committee of that House was not indifferent to the fame or interests of any individual. What honourable member would choose to have his honour, his life, or his reputation, made dependent on the deliberations or judgment of such a tribunal? Who would be satisfied to have his whole conduct during six long years, and at the distance of a thousand miles, without the power of calling a single witness, or knowing what was in agitation against him, made a matter of grave inquiry? He called on every man who heard him to lay his hand on his heart and declare, whether in his own case he would put his trust, or rest his final hope, on a committee. The House would bear in mind what would be the probable composition of that committee, and would easily understand that it would sit within the wall of darkness. Was then a solemn parliamentary opinion to be recorded in this manner? The noble lord's distress, in bringing forward this proposition, was manifest. There was, he verily believed, nothing of his (Lord Castlereagh's) earthly goods, nothing of his future hopes, which he would not cheerfully surrender, in order to avoid the dreadful alternative which awaited him. How could the character of her Majesty, or of any other person, be said to be in se-

curity, when left to the uncertain issue of a committee's investigation? Might not that character be in effect destroyed and blasted by the report of a committee? The House well knew, that if his Majesty's ministers thought that there were grounds of accusation, the committee would think so likewise. Why did not his Majesty's ministers act upon the persuasion which they affected to entertain? Why shift responsibility on other shoulders, or shelter themselves behind better names than their own? If the House upon its own rights thought proper to become accusers, he for one should be much more satisfied than with the report of a committee. Such a mode of proceeding would carry with it no prejudice, nor raise any obstruction to the free course of judicial inquiry. Admitting that something in the nature of a preliminary investigation ought to take place, it was not to the keeping of a committee that he would entrust a sacred charge—the charge of a Queen's honour and fair fame.

In regard to the negociation, Mr Brougham admitted the propriety with which ministers could make an offer, subject to the future sanction of Parliament. The offensive part of the proposition was, that 50,000*l.* had been offered, on condition of steps on the Queen's part, which would imply a tacit admission, that there was something about her, which would not bear the light. It was no doubt common for royal personages to travel under a borrowed name, but then this name was usually one belonging to their family; the privilege of using which, the Queen was required to renounce. He had been falsely represented, as having advised the Queen to reject the propositions only *after* having heard her impressions on the subject; he had given this advice immediately on their be-

ing communicated. At the sametime, no one could be more anxious than he, for an amicable accommodation. If other propositions had been made to her Majesty, which did not wear even the appearance of an acknowledgment of guilt—which, as a woman of honour, and of unimpeached character and conduct, she might safely accept—which would not have been discreditable to a government to offer, and to which in justice the Queen might have yielded—he would have been the first to have given his humble advice that her Majesty should rather go a step too far than not go far enough to lend herself to an honourable but a private and amicable adjustment. His reason was this—that from the beginning to the end of these distressing transactions it had been his most fervent wish, and upon that principle his conduct had been built, that if it were possible for her Majesty, consistently with her innocence, her honour, and her safety, to submit to a private compromise rather than provoke a public discussion, she should give her consent. In this question the interest of the Royal Family was most deeply concerned, and the interests of the constitution were implicated in proportion; the peace, the tranquillity, the very morals of the nation, were involved; we were on the brink of a precipice, or rather we were not yet quite so near the edge as to afford a clear view of all its dangers; and if those who counselled the Crown did not know, they ought to know, that when once the line was passed, retreat was impossible, and discussion inevitable. For God's sake—for the sake of the country—for the sake of those whose memories might mislead them, whose confidence might betray, or whose blindness might beguile them—for the sake of the wives and daughters of all who loved decency,

morality, and who recollected when, but a few years since, the opening of a newspaper was regarded with fear and disgust by the father of every modest and well-conducted family—he called upon the House to pause—only to pause, to ascertain if it were yet possible to escape from this threatened calamity.

The King was anxious for this inquiry; the Queen, conscious of innocence, and concerned for the vindication of her honour, was equally so; and they were seconded by a party in the public actuated by a diseased and greedy appetite for scandal. Considering himself as a member of the House, however, he would not hesitate even to go against her Majesty's wishes. As her servant, he would not disobey her commands, and where her honour was at stake, he would do his utmost to defend it; but in the humble performance of his duty, he felt called upon here even to thwart her Majesty's inclination, and he would tell her, "Madam, if negotiation yet be possible, rather go too far, and throw yourself upon your country and upon Parliament for your vindication, than not go far enough; if yet it be possible to avert the ruin which this course, if persisted in, will bring upon the nation, do your utmost to postpone the calamity." If he might advise those who stood in a similar situation with regard to the King, he would say to them, "Act like honest men, and disregard all consequences—tender that counsel to your Sovereign which the case demands, and do not fear that Parliament will abandon you, or the country desert you; even party will not disgrace itself to the lowest level to which corrupt and unprincipled factionists can descend, by taking advantage of your faithful and fearless discharge of a noble and disinterested duty." He did not believe that six

or eight months would terminate the threatened investigation. The character of the witnesses must be thoroughly examined, and it would be proved to be such, that if testimony like theirs were believed, he would undertake to convict any man of any offence. Mr Brougham insisted that the Queen had every reason to complain of her treatment abroad. It was said, that though the foreign ministers were not to acknowledge her as Queen, they were to shew her all sorts of civilities. Yet after all, to what did these boasted civilities amount—civilities to the Queen of England—Queen whether we will or no—nay, Queen whether she herself will or no; what every merchant, trader, dealer, and chapman, or even gentleman's servant could obtain, was to be lavished upon her, while every title of respect due to her elevated station was to be rigorously withheld. And could they wonder that any person, but more especially a woman, and still more especially this woman, born a Princess, niece to Frederick of Prussia, niece to George III., daughter to the heroic Duke of Brunswick, and consort to his present Majesty, the first Sovereign of Europe, could they wonder that this exalted female should feel acutely when the ministers of her own country ventured to treat her with indignity? He would give one instance of the treatment which she had experienced. The Hanoverian instrument, Baron Ompteda, who had been most graciously and hospitably received by the Queen, when she was Princess of Wales—who had insinuated himself into her confidence, who had partaken largely of her liberality, who had passed several months at a time under her roof—this man (not indeed the envoy of Hanover to this country, but to the Holy See) was discovered, not merely spying into her actions, bribing strangers

to watch her, and even bribing her own servants, but it was found out that he employed a smith to pick the locks of her writing-desk, in order to examine any papers that might be in her possession. Unluckily for him, that which he found proved that he had been on a false scent, and demonstrated the innocence, instead of the guilt, of the illustrious personage.

He admitted, indeed, that such conduct had not been sanctioned by Count Munster, Ompteda's employer. Baron ~~Ompteda~~, however, the present minister at Rome, as soon as he heard of the non-insertion of her Majesty's name in the Liturgy, had procured the removal of the guard of honour that had been appointed to attend her. Nay, he would not give her the title of Queen, or even of Princess, but called her sometimes Caroline of Brunswick, at other times ~~Caroline~~ of England—a title which never, at any time of her life, belonged to her. Mr Brougham concluded, by demanding, on the part of the Queen, a speedy and open trial: while, from himself, he besought the Commons to save the country from those calamities to which such an inquiry must give rise.

Mr Canning now rose, and made a speech which caused a peculiar sensation both in the House and the public, in consequence of the peculiar tone which it assumed. This eminent statesman, in one of the many revolutions of the political wheel, had been thrown into an intimate connexion with the Queen, while she was yet Princess of Wales; and these public ties were understood to have been combined with a peculiar degree of personal intimacy and confidence. The connection was not dissolved even when a change of situation had placed Mr Canning in a less friendly attitude towards her Majesty; and it was supposed, that, even as Minister of the

King, his influence had been powerful in inclining her to the step of taking up her residence on the Continent. This original friendly intercourse having thus continued without interruption, it was probably with peculiar pain that Mr Canning found himself in a position so hostile as that which necessarily arose from the proceedings now in progress. In a crisis thus delicate, Mr Canning endeavoured to steer a difficult course—he sought to maintain his place as minister, and to support the views of his colleagues, without abating of that friendly and flattering tone which he was wont to use towards the distinguished individuals whose views and claims he was now called upon to oppose. This course, as is usual with middle and temporizing measures, especially in such an inflamed state of men's minds, entirely failed. Without softening the opposite party, it was supposed to have given deep offence in a high quarter, whose views Mr Canning was supposed, by his situation, bound implicitly to second.

Mr Canning began with declaring he never rose to deliver his sentiments on a subject of so much delicacy and interest, as that now before the House. He was prepared to say, not only that ministers did not come to the country—not only that they did not come to Parliament—not only that they had not sought this occasion—not only that they deprecated it with all their hearts—but that they had interposed every possible expedient to prevent a calamity, which they would with all their power and all their means have averted. He must declare, individually for himself, that in all the discussions which had preceded the unfortunate crisis to which they had now arrived, he had looked to the whole case with as much anxiety, solicitude, and pain, as if it had arisen from a difference between the dearest friends

he had, and that he was equally connected with both the parties between whom that difference had occurred. On the one side, to the sovereign whom he served, he owed the duty of a privy counsellor; on the other side, to the illustrious personage who was the remaining party to this discussion, he owed, and he gave, unabated esteem, regard, and affection. And next to the extremity which was nearest his heart—that this inquiry could be avoided—he cherished the hope that she would come out of the trial superior to the accusation. Mr Tierney had often pressed ministers with a dilemma, or figure of speech, plausible in argument, but most fallacious in human affairs. He had said, “Either the Queen is innocent, and ought to be fully acquitted; or she is guilty, and ought not to receive a shilling of the public money.” Ministers, however, he conceived, were fully justified in their eager desire to seize every means of avoiding any discussion whatever. The sum of 50,000*l.* had been that fixed by the marriage treaty as her jointure, it had been voted to her, by Parliament, as Princess of Wales, in contemplation of her permanent separation from her husband. With regard to her Majesty's titles, there was no design to take any of them away; but in a letter which had since been published, the phrase that she should lay down all claim to the title and dignity of Queen of England, was made use of. The real proposal, however, was, “that she should use some other name than that of Queen.” Gentlemen seemed to confound the phrases, but they were widely different and distinct. It had never been understood, that the Emperor of Russia, when travelling through Germany under the title of Count—he recollected not what Count—had renounced the title of Emperor. When goaded by charges of un-

necessary and wanton insult, he must mention to the House, that in July, 1819, a statement had been given to Government, under the obligation of secrecy, discussing every one of the propositions which had been made to her Majesty. He said, he was precluded from stating its contents; but this he would say fearlessly, that not one proposition had been made by ministers which had not its prototype in the suggestion thus made to Government for the guidance of its eventual conduct. And this suggestion had been made from a quarter—he did not say that it committed the illustrious person—but it had come from a quarter which could not be understood to propose or sanction any thing degrading to her. He remembered, in 1814, when he was in a situation unconnected with the Government, and when he had frequent intercourse with the illustrious lady, she did him the honour to ask his advice, and he had avowed then what he now avowed, upon the idea of a separate and settled arrangement—an arrangement considered and sanctioned by the late King—an arrangement founded upon the fact of alienation and hopeless irreconcilable. Upon the idea of that arrangement, he had concurred in the advice that she should live abroad, with her own family, at Brunswick, or in any other society in Europe which she might prefer, and of which she must be the grace, life, and honour. He had thought that the best advice then, and in his conscience he did now think it the best; and, if he might use so bold a phrase, if she were related to him, he would now say so. In 1814 he had given this advice, because, in addition to the hopeless separation which existed, he had seen that “faction marked her for its own.” He had foreseen that she, with her income and her fascinating manners, would have become the rally-

ing point of disaffection and of political intrigue. Looking only at the state of separation in which she must live in this country, he asked whether her residence here could contribute to her peace and happiness?

In regard to the proceeding with respect to the liturgy, it formed part of the new arrangement proposed; it was not made in any disrespect to her Majesty, but merely from the state of distance at which she was now placed from the possessor of the Throne. On the same principle, without the least idea of disrespect, the Duke of Cumberland had ceased to be prayed for by name, after the accession of George III. Mr Canning then justified the course which had been followed by ministers upon this occasion. When the Crown was in a crisis of extraordinary difficulty, it sent to Parliament for advice, and Parliament was bound to give advice, counsel, and assistance. This was the spirit and practice of the constitution, and this was the conduct adopted now. But the honourable and learned gentleman would have his Majesty’s ministers to become the Queen’s accusers. “So help me God,” continued the right honourable gentleman, “I never will place myself in the situation of an accuser towards this individual.” The first wish of his heart was, that she should come out of all trials and difficulties with a pure conscience and unsullied fame. Neither in public life, nor in private company, could he ever feel any difficulty or embarrassment in giving expression to this sentiment. All that had been done was calculated, and had proceeded, from an earnest desire, to protect private and natural feelings, and the morals of the country. All that had been intended towards her Majesty was honour, candour, feeling, and benevolence. If any other object had been intended, no consideration on earth

could have made him a party to it. If any sacrifice on his part could have prevented this painful discussion, he would willingly have retired into the most insignificant situation. Ministers had, to the very last moment, entertained hopes of being able to bring the negotiation with her Majesty to a favourable conclusion; those hopes had unfortunately been frustrated, and the cup of expectation dashed from their lips at the very moment when they were ready to enjoy it. One course only was then left for them to adopt, and that was the course which they had adopted.

Mr Brougham, admitting himself as the author of the propositions alluded to by Mr Canning, declared, that he had no expectation of their being kept secret; and at the same time he denied having ever been, in any shape, the agent of ministers. At the desire of the Queen, he had, in July last, made a proposal to Lord Liverpool; but this proposal differed very materially from that afterwards made to her Majesty by Lord Hutchinson. It had been intimated, that she might be willing to remain abroad *incognito*; but this was very different from being called upon to renounce the title and honours of Queen. The propositions first made had been tendered with aggravations—he could not call them modifications—which rendered it impossible to accept them.

Mr Tierney made a pretty long and rather desultory speech, censuring, in all respects, the conduct of ministers, and thinking that all concerned in the late negotiation had got themselves into a piteous plight.

Mr Wilberforce now came forward with a proposition tending to avert the discussion with which the House was threatened. He was sure that there was not a man in the House who was not desirous of preventing the inves-

tigation from proceeding further, if it were possible; because, if the step then recommended to them was once taken, retreat would be found impossible after it. If he saw a spirit in the House likely to accede to such a suggestion, he would propose an adjournment of this question for a day or two, in order to see whether, through the instrumentality of common friends, some compromise might not take place between the two parties. On every account, such a measure would be desirable; and, amongst others, on account of the public morals, which would not receive any taint from the disgusting details which the papers then on the table of the House in all probability contained.

Mr F. Burton strongly seconded a motion, which, he said, if carried, would carry with it the blessings of the country. He was supported by Mr Wynn, Mr Stuart Wortley, and a crowd of other members.

Lord Castlereagh, though it was his conviction that little could be expected from delays, was ready to bow to the wisdom of those who entertained a different opinion. Without wishing to enter at present into any discussion, he could not help expressing his strong disapprobation of much of what had been said. To what the Sovereign must have felt as a man, and he must have felt most deeply, he would not advert; but the course which his Majesty had adopted was to take the advice of Parliament as to what was fit to be done for the honour and for the dignity of the Crown. He should have been guilty of disobedience to the orders of his Majesty, if he had attempted to mix any opinion or statement of his own with the impulse which had governed his Majesty in the execution of a duty due to the public; and it was impossible to avoid stating, that in the discharge of such

a duty, his Majesty was fully capable of laying aside and of forgetting every thing like personal or private feeling.

The adjournment of the House for two days was then carried-ananimously.

On the following day, the House of Lords, according to the arranged order, were to ballot for the committee to examine the papers. Lord Kenyon, however, rose and stated, that though he had, on the former day, voted for the committee, yet as a prospect had been opened of amicable adjustment, and as the other House had been thus induced to delay proceedings, he earnestly recommended that their example should be followed, and that the ballot should be delayed till Monday.

Lord Liverpool, without admitting that there was room for delay, suggested, that if it were thought eligible, the most regular and dignified course for the House would be to proceed to the nomination of the committee, only directing that it should not meet till Tuesday next—this being Thursday. The motion was seconded by Lord Lauderdale, who treated it as a most disorderly proceeding, that their Lordships should act upon any thing that had been done in another place. The same view was taken by Lord Erskine; while Lord Donoughmore reprobated all delay, urging that no new motive for it had been assigned, and that to use as argument any thing that had passed in the Lower House, was most unparliamentary. It almost seemed as if the members had been transported from one House to the other. Lords Holland, Carnarvon, and Rosslyn, supported the original motion of Lord Kenyon. On a division, the Earl of Liverpool's motion was carried by a majority of 108 to 29. The following committee was then nominated:—

The Archbishop of Canterbury.  
The Lord Chancellor.  
The Lord President of the Council.  
The Duke of Beaufort.  
The Duke of Northumberland.  
The Marquis of Lansdown.  
The Marquis of Buckingham.  
The Earl of Liverpool.  
The Earl of Donoughmore.  
• Earl Beauchamp.  
Viscount Sidmouth.  
The Bishop of London.  
Lord Redesdale.  
Lord Erskine.  
The Earl of Lauderdale.

The committee were ordered to meet on Thursday next.

The King's ministers did not shew all the promptitude, in opening the negotiation, which might have been expected, after so positive a declaration of the wishes of Parliament. Two days elapsed, without any movement on either side, and it was from the opposite party at last that the first overture came. On Friday the 9th, Mr Brougham, by command of the Queen, transmitted a note to Lord Liverpool, stating, that her Majesty, submitting to the declared sense of Parliament, was ready to consider any arrangement that might be suggested, consistent with her dignity and honour. Lord Liverpool, in reply, referred to the note delivered to Mr Brougham, on the 15th of April last, as the proposition made on the part of the King, at the same time declaring his readiness to receive any suggestions which her Majesty or her advisers might have to make upon them. This note was to the following tenor.

“15th April, 1820.

“The Act of the 54th Geo. III., cap. 160, recognized the separation of the Prince Regent from the Prin-

cess of Wales, and allotted a separate provision for the Princess. This provision was to continue during the life of his late Majesty, and to determine at his demise. In consequence of that event it has altogether ceased, and no provision can be made for her until it shall please his Majesty to recommend to Parliament an arrangement for that purpose.

"The King is willing to recommend to Parliament to enable his Majesty to settle an annuity of 50,000*l.* a-year upon the Queen, to be enjoyed by her during her natural life, and in lieu of any claim in the nature of jointure or otherwise, provided she will engage not to come into any part of the British dominions, and provided she engages to take some other name or title than that of Queen; and not to exercise any of the rights or privileges of Queen, other than with respect to the appointment of law officers, or to any proceedings in courts of justice. The annuity to cease upon the violation of these engagements, viz., upon her coming into any part of the British dominions, or her assuming the title of Queen, or her exercising any of the rights or privileges of Queen, other than above excepted, after the annuity shall have been settled upon her.

"Upon her consent to an engagement on the above conditions, Mr Brougham is desired to obtain a declaration to this effect, signed by herself; and at the same time a full authority to conclude with such person as his Majesty may appoint a formal engagement upon these principles."

The Queen, in her answer transmitted next day, stated that she had seen this note for the first time; that the proposal contained in it did not appear satisfactory, at the same time that she was willing to believe it did not proceed from any offensive in-

tention. Still retaining the desire of submitting her own wishes to the authority of Parliament, she only felt it necessary before making any further proposal, to have it understood that the recognition of her rank and privileges as Queen must be the basis of any arrangement which could be made. The moment that basis was established, her Majesty would be ready to suggest a method by which she conceived all existing differences might be satisfactorily adjusted.

The answer of Lord Liverpool expressed the most extreme surprise, that the propositions of the 15th April, should not have been sooner submitted to her Majesty. So far as affected her dignity, however, he observed:

"The memorandum of the 15th April, while it proposed that her Majesty should abstain from the exercise of the rights and privileges of Queen, with certain exceptions, did not call upon her Majesty to renounce any of them.

"Whatever appertains to her Majesty by law, as Queen, must continue to appertain to her so long as it is not abrogated by law."

The note concluded with expressing a readiness to receive any proposition for a satisfactory adjustment, provided it had for its basis her Majesty's residence abroad.

Mr Brougham, in replying for the Queen, accounted for her not having seen the note of the 15th April sooner, by her official advisers not having had an opportunity of delivering it previous to the interview with Lord Hutchison.

Satisfied, however, with the recognition now made of her rank as Queen, her Majesty now proceeded to lay open the plan formerly alluded to, by which she hoped that a final adjustment might be effected.

"Her Majesty's dignity and her



nour being secured, she regards all other matters as of comparatively little importance, and is willing to leave every thing to the decision of any person or persons, of high station and character, whom both parties may concur in naming; and who shall have authority to prescribe the particulars as to residence, patronage, and income—subject, of course, to the approbation of Parliament.”

The reply of Lord Liverpool to this proposition was as follows :

“The King’s confidential servants cannot think it consistent with their constitutional responsibility to advise the King to submit to any arbitration, a matter so deeply connected with the honour and dignity of his crown, and with the most important public interests; but they are fully sensible of the advantages which may be derived from an unreserved personal discussion; and they are therefore prepared to advise his Majesty to appoint two of his Majesty’s confidential servants, who, in concert with the like number of persons to be named by the Queen, may frame an arrangement, to be submitted to his Majesty, for settling, upon the basis of Lord Liverpool’s note of the 11th instant, the necessary particulars of her Majesty’s future situation.”

This proposition was immediately acceded to, and, in consequence, the Duke of Wellington and Lord Castlereagh, on the part of the King, Mr Brougham and Mr Denman, on the other side, were appointed to conduct the conferences.

The first meeting took place on the 15th June, and after the plan of deliberation had been adjusted, the first question which came under discussion, was the future residence of the Queen abroad. Here, according to the protocol, the Queen’s law offi-

cers began by stating, that under all the circumstances of her Majesty’s position, they would not say that her Majesty had any insuperable objection to living abroad; on the contrary, if such foreign residence were deemed indispensable to the completion of an arrangement so much desired by Parliament, her Majesty might be prevailed upon to acquiesce; but then that certain steps must be taken to remove the possibility of any inference being drawn from such compliance, and from the inquiry not being proceeded in, unfavourable to her Majesty’s honour, and inconsistent with that recognition which is the basis of these negotiations; and her Majesty’s law-officers suggested, with this view, the restoration of her name to the Liturgy.

To this it was replied, that the King’s government would no doubt learn with great surprise, that a question of this important nature had now been brought forward for the first time, without having been adverted to in any of the previous discussions, and without being included amongst the heads to be now treated of; that the Liturgy had been already regulated by his Majesty’s formal declaration in council, and in the exercise of his Majesty’s legal authority; that the King, in yielding his own feelings and views to the wishes of Parliament, could not be understood (in the absence of inquiry) to alter any of those impressions under which his Majesty had hitherto deliberately and advisedly acted; and that, as it was at the outset stated, the King could not be expected to retract anything, no hope could be held out that the King’s Government would feel themselves justified in submitting such a proposition to his Majesty.

This point was discussed at great length by the respective parties, but without any approach to concession, though the King’s commissioners fi-

nally agreed to report to the Cabinet, and state its determination at the next conference. The Queen's commissioners, however, anticipating, as possible or probable, the final rejection of this proposition, threw out as a substitute the official introduction of her Majesty to foreign Courts by the King's ministers abroad. Upon this, the opposite party observed, that this proposition appeared open to the same difficulty in point of principle: it was calling upon the King to retract the decision formally taken and avowed on the part of his Majesty, a decision already notified to foreign Courts; and to render the position of his Majesty's representatives abroad, in relation to her Majesty, inconsistent with that of their Sovereign at home. They were only ready to undertake for the full and faithful observance of the orders already issued, directing the British ministers on the continent to provide by every possible means for her Majesty's personal comfort and accommodation.

The second conference, which took place on the following day, consisted chiefly in the King's servants repeating, as the deliberate decision of the Cabinet, the views which they had given, both respecting the Liturgy and the introduction at foreign Courts. The Queen's law officers then suggested the introduction at some one Court; but it was replied that the principle was in all cases the same, and if given up at all, should be given up generally. The demand of a palace made on the Queen's side, was evaded on the ground, that all the royal palaces were then occupied. Questions were then put as to whether the Queen would be allowed to leave England in the state which became her dignity, and whether the King's ministers were ready to propose in Parliament addresses express-

ing their grateful thanks to both the royal personages for their acquiescence in the arrangement desired by that assembly.

On the following day, when the third conference was held, satisfactory answers were given to the two last questions. The Queen was to be provided, either with a yacht or ship of war, as might be convenient, for going to the continent, or the Mediterranean. Still the state of the propositions was not considered satisfactory by the Queen's servants. Before closing the conference, however, the King's servants desired distinctly to know from her Majesty's law officers, whether the introduction of the Queen's name in the Liturgy, and her Majesty's introduction at foreign Courts, were either of them a condition *sine qua non* of an arrangement on the part of the Queen: to which it was replied, that either the introduction of her Majesty's name in the Liturgy, or an equivalent, which would have the effect of protecting her Majesty against the unfavourable inference to which her Majesty might be liable in leaving the country, under the circumstances in which her Majesty was placed, was a *sine qua non*.

In this unpromising state, the third conference closed. On the fourth day, a new proposition was brought forward by the King's ministers, who suggested, if possible, to meet her Majesty's wishes, and in order the better to assure to her Majesty every suitable respect and attention within the particular state in which she might think fit to establish her residence, (the Milanese, or the Roman States, having been previously suggested by her Majesty's law officers as the alternative within her Majesty's contemplation,) that the King would cause official notification to be made of her Majesty's

legal character as Queen to the government of such state. That consistently, however, with the reasons already stated, it must rest with the Sovereign of such state what reception should be given to her Majesty in that character.

It was observed, that the practice at foreign Courts being to receive those only who were received at home, the King could, with no propriety, require such a point of foreign governments. It was urged, in reply, that the Queen could not be considered as in that situation, since it was only in 1814 that she had voluntarily ceased to go to Court, out of regard to the delicate situation in which the unfortunate differences in the Royal Family placed the late Queen. It was answered, that the Court of the late Queen had been, in fact, that of the Prince Regent, acting in name, and for behoof of his Majesty; and that the present Queen, then Princess of Wales, had, in point of fact, been excluded from that Court.

On the following day, the Queen's law officers stated, that the proposition of yesterday had been submitted to her Majesty, but had produced no alteration in her sentiments.

No satisfactory understanding having thus taken place between the two parties, the conferences closed.

Such was the unfavourable issue of this attempt to arrange the differences in the Royal House, and to avert the unhappy investigation which otherwise impended. The two points at issue were, the Liturgy, and the introduction at foreign Courts. In regard to the former, we must say, that we do not see any sufficient reason, why ministers should not have advised his Majesty to yield this point. It did not commit him in any opinion as to the merits or character of the party, it involved, even on the worst supposition, nothing disgrace-

ful or of evil example to the nation. The only reason stated against it was, that the King had once decided otherwise. But is the decision of a King of England, once made, irrevocable like the laws of the Medes and Persians? Is his opinion incapable of change upon fresh motives being submitted to him? Was there nothing in the expressed wishes of Parliament, in the tumultuary and unsettled feelings of the nation, in all the unpleasant vista which opened, to render expedient one of those sacrifices of private feeling, which his Majesty has repeatedly shewn that he was able to make, when an important interest of the public was at stake?

With regard to the other proposition, according to which an opportunity was to be provided of figuring as Queen of England at foreign Courts, our opinion as to the propriety both of asking and granting it, is considerably different. We believe it is allowed by the best judges of female decorum, that a lady, placed in the unfortunate state of separation from her husband, even without her own fault, ought to lead a somewhat retired life. To be seen blazing, in the foremost ranks of gaiety, is considered unsuitable to her situation, and exposing her to much misconstruction. It would have done more honour to her Majesty's judgment and feelings, not to have asked or wished for such a distinction. On the other hand, without pronouncing any harder sentence, few will deny, that the manners and general deportment of this unfortunate lady, were not such as to render it creditable or eligible, that she should be exhibited over Europe in the high character of Queen of England. Ministers seem to have gone quite as far in this respect, as was consistent with the credit of the nation, and the just feelings of the

monarch. Still as this does not appear to have been made a *sine qua non*, provided the Liturgy had been granted, ministers, if the idea given above be just, had still themselves to blame, for the opening of an inquiry so unfortunate in its character and issue.

The minutes of the conferences, of which the substance has now been given, being submitted to the two Houses, dispelled all those hopes of an amicable termination, which had at one time been rather sanguinely cherished. Nothing seemed now to remain but to open the papers, and proceed to the inquiry so much deprecated. Among the more respectable members of the House, however, there still prevailed an earnest wish, that this issue might by some means be avoided. Mr Wilberforce, who, by procuring the first delay, seemed established in a mediatorial character, determined to make a fresh effort to supply that which the conferences had failed in. On the 20th June, he announced a motion having this object in view, though attempts were vainly made to draw out of him its precise nature. Rumour, however, soon announced, that the object was to propose an address of the House, requesting, that the Queen should acquiesce in the exclusion of her name from the Liturgy. Her Majesty, becoming acquainted with this report, transmitted a letter to Mr Wilberforce, expressing her dissent from such a proposition, and remonstrating against it as inconsistent with his religious views and principles. On the following evening, when a very crowded house had assembled, in expectation of Mr Wilberforce's motion, that gentleman arrived somewhat late, and stating that circumstances induced him to consider it as standing in need of some modifications, requested the delay of one day. Lord Castlereagh and Mr Brougham,

though they regretted much any farther delay, yet giving the gentleman credit for the motives which led him to propose it, were of opinion that it should be granted without hesitation. Mr Tierney protested against it, declaring if any farther adjournment were proposed, he would take the sense of the House upon it. Lord Archibald Hamilton, after in vain attempting to draw from Mr W. the precise tenor of his motion, announced one from himself, for laying before the House a copy of the original order in council, by which her Majesty's name was erased from the Liturgy.

On the 22d June, Mr Wilberforce brought forward his motion. He began with strongly stating the reluctance with which he had undertaken so painful and burdensome a duty. Nothing could have encouraged him to undertake it, except his sense of the kindness of the House, and of the extreme importance of the object. Let the House only remember, that if it did not come to some conclusion—if it did not adopt some measure for preventing this fatal inquiry—there could be no man, who thought as he did on the subject, who would not anticipate as the consequence, the greatest of all evils that could befall the country. He was most anxious to say nothing which could imply a failure of respect to those who wore the Crown of this country. If, in the warmth of debate, any such expressions should escape him, he hoped they would be ascribed rather to the very peculiar nature of the case, and of his situation, than to any intention of treating with irreverence those to whom the highest respect was due, and for whom he entertained it. On such an occasion, however anxiously he might wish to adhere to the Constitution and the forms of Parliament, it might be impossible to adhere altogether to that

strict theoretic form of proceeding, which, indeed, it might be better to observe in all cases ; and of the value of which, no person was more sensible than himself. He trusted that the House would proceed on the principle which the parties in the late conference had laid down for themselves—that they would not consider themselves as different parties opposed ; but that they would consider that the interests of all parties, not merely of those before the House—not merely of the King and the Queen—nor of one or of the other, but those of all persons in these kingdoms, were here in question. The honourable gentleman then adverted to his original motion for delay—to its unanimous adoption by the House—and to the conferences which had taken place in consequence. These conferences—without meaning to express any opinion as to any one particular conference—appeared not to have been in any degree of an angry or petulant character, but to have been conducted in some measure with a proper spirit, and without any wish to injure the feelings or the credit of either party. He would own that his hopes had been particularly raised even by the appointment of the persons who were named to carry on that delicate negotiation ; and he could not but feel almost a confident hope that the means would at length be found of averting so fatal an inquiry. Although the two parties could not agree, yet they had approached so near, that it might be possible for the House to prevail upon them to do away with minor points of difference. Agents for any two parties so circumstanced, were in this situation—that the one of them could not be expected to concede to the other quite so far as an agent having in some measure the interest of both parties in view, and at the same time general and public interest also ; for

such an agent might make those concessions, without being liable to the same objection from his principals, to which the concession of the other agents would be liable from their parties. It was only required, he thought, that the parties should go coolly and calmly to weigh all the circumstances of the case ; and, above all, to consider well in what a situation they would place themselves, and all the country, if they should proceed in an opposite course, and this inquiry should be prosecuted to its termination. He was totally at a loss to conceive how it could be so prosecuted with any good hope, or to any good end. He had at first thought of proposing an address, recommending the mode of arbitration suggested by the Queen's law officers ; but the difficulties of that measure, both constitutional and others, had finally appeared to him extreme and insuperable. He then thought of the course which he was now to propose, and which was that of an address to her Majesty. He had certainly received a message from her Majesty, earnestly exhorting him to reconsider the subject, and not holding out any hope of acquiescence. As he had not had any opportunity, however, of fully explaining to her Majesty his real objects, he still hoped that she might have been misled by erroneous information. The course that he had finally determined on was, that of moving the resolution he held in his hand ; the object of which was, that her Majesty might be prevailed upon, under all the circumstances of the case, to waive those minor differences that appeared, in a great degree, to be already done away with. The only two material points of difference were now the recognition of her Majesty as Queen of England at foreign Courts, and the restoration of her Majesty's name to the liturgy. It appeared to him that the former, done

generally, would be liable to insuperable objections ; and that his Majesty's ministers had made concessions which might be considered as having, in some degree, if not entirely, got rid of this difference. With respect to the Liturgy, he was far from undervaluing that difficulty, though it was a great relief to his mind, that, upon consideration, it did not strike him as affecting any religious view of the subject. No person thought more highly than he did, of the mention of her Majesty's name in the Liturgy. He did think there was something truly honourable in such a circumstance ; and especially when it occurred in that admirable form of worship, and those unalterable forms of prayer, which so eminently distinguished the Protestant religion, as practised in this country ; but yet more especially as it occurred in that beautiful form of supplication where all distinctions of men, in some degree, were forgotten, as if it were supposed that they all appeared before their Creator under that equal and common character.—a just sense of which, was the best preparation for their general destiny. He held it an honour to be in any way connected with such a form of prayer. He believed it had been the ancient usage and common rule of the liturgy to pray for each of the royal personages, separately naming them : this, he admitted, had been the custom. But he did not think it could be contended that her Majesty was in fact omitted in the prayer ; for if in the prayer the words used were, " the King and all the Royal Family," her Majesty must be considered, he should apprehend, to be one of them, and consequently to be included. The Duke of York was the heir-presumptive to the Crown ; but with that real and unaffected kindness, and that feeling of candour and simplicity which marked all the actions of that illustrious

individual, his royal highness, if he had been rightly informed, had wished and permitted that his name should be left out of the service. He meant nothing by those observations, except that it could not be contended that her Majesty was excluded from the prayers of the congregation. It appeared to him clear, that her Majesty's advisers had never treated this point as one to be insisted upon on religious principles ; they had never brought it forward, indeed, till they came to the discussion of minor points. They admitted that some other concession might be an equivalent for it. All his desire was to avoid the horrors of that fatal green bag !—(*A laugh*)—The laughter of gentlemen around him only shewed, that when the mind had once imbibed a ludicrous association of images, it would still retain it, even in the most serious moments. For himself, if he had unknowingly and involuntarily joined in that laughter, he could only say, that though there might be a smile on his lips, there was a pang at his heart, while he contemplated the deplorable consequences which must ensue if the contents of that bag should ever be examined. But there was one part of these conferences which gave him consolation in the midst of his distress : there was something which cheered and consoled the dreary prospect that lay before him—a ray of comfort which illuminated that appalling darkness that had hitherto pervaded this melancholy subject. When he found mention made of the recognition of her Majesty's rights, and the vindication of her character, it directly struck him—what recognition of her rights—what vindication of her character—could be more effectual or more honourable than that she should receive from the House of Commons, from the Parliament of this country, the assurances, that, if she would make a sacrifice of

her feelings, upon a point which had been made one of the grounds of the differences that had prevented accommodation, it should not be construed into any abandonment of her rights, any concession of her cause, any departure from the principle or her defence, but as a sacrifice made to the anxious desires of the country, and to the expressed wishes and authority of Parliament? He begged all honourable members to consider maturely what would be the consequences of the rejection of his motion—that there was no alternative but an inquiry. The deference already shewn by the Queen to the opinion of Parliament; did her the highest honour. True it was, that her Majesty was not a native of this country; but he was sure that there was enough English stuff in her composition to induce her to make some sacrifices of feeling—not of character—for the sake of securing the good opinion of the vast majority of her subjects. Oh! what benefits might not result from an amicable adjustment! He should, indeed, reckon himself the most fortunate man that ever lived, to be the instrument of such an arrangement. Let gentlemen reflect, that there was only a choice of evils and those of pressing the inquiry to its termination would be incalculable. On a former night, an honourable friend, (Mr Brougham) with the utmost degree of force and impressiveness, (perhaps greater than any other man possessed,) had adverted to the amount and extent of those evils; but the statement of them, eloquent as it was, was far below their reality. He was in fairness bound to state, that the courage, the magnanimity, her Majesty had displayed during these transactions, might well stand her in the stead of the points that she might abandon. If he drew out his arguments to a tedious length, he hoped gentlemen would excuse him by con-

sidering that dreadful alternative that awaited the rejection of his motion. If it were dismissed, nothing remained but the prosecution of that dreadful inquiry. Let the House duly consider the unknown evils that must attend it—the recriminations by which it must be followed—and the long train of consequences affecting at once the dignity of the Crown, and the best interests of the empire. In this respect, the King, the Queen, and the Parliament, had but one common cause; and the course he recommended was that most calculated to avert the common calamity. Mr Wilberforce then moved the following resolutions:—

“Resolved,—That this House has learned, with unfeigned and deep regret, that the late endeavours to frame an arrangement which might avert the necessity of a public inquiry into the information laid before the two Houses of Parliament, have not led to that amicable adjustment of the existing differences in the Royal Family, which was so anxiously desired by Parliament and the nation.

“That this House, fully sensible of the objections which the Queen might justly feel to taking upon herself the relinquishment of any points in which she might have conceived her own dignity and honour to be involved, yet feeling the inestimable importance of an amicable and final adjustment of the present unhappy differences, cannot forbear declaring its opinion, that when such large advances have been made towards that object, her Majesty, by yielding to the earnest solicitude of the House of Commons, and forbearing to press further the adoption of those propositions on which any material difference of opinion yet remains, would by no means be understood to indicate any wish to shrink from inquiry, but would only be deemed to afford a renewed

proof of the desire which her Majesty has been graciously pleased to express to submit her own wishes to the authority of Parliament; thereby entitling herself to the grateful acknowledgments of the House of Commons, and sparing this House the painful necessity of those public discussions, which, whatever might be their ultimate result, could not but be distressing to her Majesty's feelings—disappointing to the hopes of Parliament—derogatory from the dignity of the Crown—and injurious to the best interests of the empire."

Mr Stuart Wortley seconded the motion.

Mr Brougham began with declaring, that he intended to argue this great question, not merely in his official capacity as Queen's law-officer, but also as one of the members of Parliament. In proof of this, he would at once assert his opinion, (candour and justice demanded it, without reference even to his exertions as a negotiator,) that in this negotiation no little had been already gained by her Majesty. If the first place, let it be observed, that it was now explicitly acknowledged, that the only basis on which her Majesty could be called upon to treat, was that high ground of her unimpeachable, undisputed, and unsuspected title of Queen of this realm. This point alone she had made a *sine qua non*, and she had obtained it before the conference was opened. It was also no trivial matter, that in leaving the kingdom, she was to be allowed all the pomp and circumstance belonging to the highest personages of the Royal Family. This was a case where little things became of great moment; and inasmuch as the omission of the ordinary forms of respect would be a degradation, the concession and observance of those forms was proportionally important in resto-

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ring her Majesty to the situation she had a right to occupy. In respect also to reception at foreign courts, though her Majesty's proposition was not conceded, yet something approaching to it was granted. Care was to be taken to secure to her, not only comfort and convenience, but attention and respect. Lastly, in case of success in the negotiation, there was to be a joint address to the King and Queen, speaking of them together, and thanking them together, for the concessions they had made. Now, would any gentleman think this an unimportant acquisition, who recollected, that not four months ago, it was impossible to obtain from ministers even the mention of the word Queen? She was an illustrious female—a high personage—an exalted lady—a character of great distinction, implicated in the conversation, with he knew not how many idle circumlocutions and studied periphrases. Her Majesty was no longer an "illustrious female," or an "exalted personage"—she was Queen, and was to be addressed as Queen by her Parliament, which was to carry to the foot of her throne the expressions of its gratitude and attachment. However determined ministers might be to persevere in inquiry, and to open the green bag, (for determined he understood they were, and, on her own account, it was far from the intention of the Queen to resist that determination,) yet, having gained thus much in favour of her rights and her innocence, and standing upon this rock and basis, he put it to the House whether it did not become the station the Queen had now acquired to stand still longer upon resistance, and to demand that some further step should be conceded? He was ready to concede to Mr Wilberforce, that the question of the liturgy had not been made a *sine qua*



*non.* It arose out of the proposition of residence abroad, to which the Queen could not agree, after the charges which had been made against her, and the green bag, which had been thrown upon the table, without the concession of something which might secure her motives from all misconception. From all that he himself knew—from all that he understood by communication with others—from the known sense of a great part, if not a majority of that House—and from the undoubted sense of a majority out of doors, he was warranted in stating, that the surrender of that point by the Crown, would ensure success to the object of his honourable friend. Success would then be certain, and without the shadow of dishonour on the Queen. (*Hear, hear.*)—This once conceded, all difficulties would be done away. For himself, he could solemnly assure the House, that he was as convinced as he was of his own existence that this was the only remaining obstacle. Let the word Liturgy be but once amicably pronounced, and every impediment would be removed. He did not wish to make this a party question, or throw any peculiar blame on ministers. He believed that deep regret had been expressed for the omission of her Majesty's name in the church service; and by how much the more the act ought not to have been done, so much the easier would it be to undo it. He did not wish to fatigue the House by a discussion of right, or to lead it through a labyrinth of legal and theological lore. The Liturgy had been established by authority of Parliament, after having been framed and prepared by the convocation. It was only to the due legal authority that a certain power of alteration was given, in cases relating to the Royal Family. It was enacted "that the names of the Royal Family be chan-

ged and altered from time to time, as may be fitting to the occasion." What must be understood as the fair intendment of these words? Did they not, upon every principle of ordinary construction, signify, that as George might succeed to Anne, or Caroline to Charlotte, the names of the latter should be substituted for the former? He took his ground upon this simple and obvious interpretation. It was only by over-strained and far-fetched constructions, that any other meaning could be elicited. The including of the Queen under the general term of the Royal Family, might perhaps be defended in point of religion, but not of justice or constitutional propriety. Could it indeed be maintained, that the erasure of her Majesty's name from the prayers of the church cast no stigma, and implied no suspicion? If Queen after Queen had been prayed for—if her present Majesty, whilst Princess of Wales and until the demise of the crown, had herself been prayed for, could such an omission be passed over as a trifling or unimportant matter? But it seemed that the name of George the First had been inserted singly, and this was stated by way of shewing that her Majesty would sustain no dishonour by a similar circumstance. Were he not, however, averse to tread on the ashes of a departed Queen, he could shew that this reference contained the greatest possible aggravation of the injury. Then it had been urged that the Duke of York had been prayed for by name; but a Duke of York, as heir-presumptive, had no title; and the rule respecting him, when heir-apparent, was by no means so inflexible as with regard to a Queen-Consort. The Queen was not only the consort of a King, but the first subject of his realm. She was subject only to the monarch; she had high and peculiar

privileges—he had almost said prerogatives. The King's, indeed, were not imparted to her, but they sheltered, covered, and protected her. In other respects she enjoyed privileges above all other women. There was nothing of which the law was more careful, than to guard the honour of the Queen Consort, and of the line which was continued through her. A stigma in this quarter might, in other circumstances, have caused a disputed succession. But he was told that her Majesty ought to waive this point, because an accommodation was desirable. His question, in answer to that observation, was, why should not his Majesty, or rather his Majesty's ministers, waive this point? (*Hear.*) They were the authors of the act: her Majesty was the only sufferer by it; she had obeyed the law, and there was no charge against her arising out of the transaction. The concession must be degrading to her; it could not be degrading to the other side. On the part of her Majesty, it was to surrender all; on the part of ministers, it was to surrender nothing. If she acquiesced, she must be degraded every Sunday in the eyes of every Christian congregation throughout the land. The importance early attached to this point was shewn by expressions of the Princess Sophia, when she was asked, in the reign of Queen Anne, to come over and reside in Britain. She had then evidently considered the being prayed for as equivalent to residence, and as securing her title to the crown. He would not listen for an instant to the argument, that the crown would lower itself by the concession. Ministers had advised the act; let them now advise its revocation. The disgrace, when removed from the Queen, could not attach to the Sovereign; if he thought it could, he should be the last man to advise it. Who was not

anxious to protect the unsullied honour of the crown of these realms? On no account whatever, happen what might, would he cast the slightest shade on that pure and spotless diadem. He conceived that the constitution could not recognize the King in his individual capacity, and that all the public acts of the crown must be the acts of ministers. Were they to open their ears to every rumour, or to every vague notion that the King's dignity might be insulted, and lose sight altogether of the Queen's situation? It appeared to him to be an easy mode of extricating themselves from the difficulty, to carry up an humble address to the foot of the throne, representing the sentiments which they could not avoid entertaining on this painful subject. There was no reason why ministers should hesitate to give sound advice on this important subject. Let them not fear lest their Sovereign should discountenance them for it. He was too just and patriotic not to know that it must have been extorted from them by the commanding voice of Parliament. Even if it should lead to a dismissal from their places, let them not dread that by manfully discharging their duty, or yielding to expediency, or complying with the wishes of that House, they would ultimately lose them. (*Hear, hear.*) He should like to see the man who would step forward to succeed them in such a case. Where could be found the rash and presumptuous factionists, the headstrong and audacious politicians, who would venture to step into places from which others had been removed only for discharging an honest, a conscientious, and an important duty? He trusted they were now near the end of those painful preliminary discussions. Let the House look to the case. They were going on, day after day, and something else was go-

ing on, day after day, out of doors—*(hear)*—much irritation, great disappointment, and a constant factious meddling with, and perversion of, the case, for the purpose of keeping up that irritation. He would not say that this had taken place: he would say that it was going on every day and every hour. It was time that such a state of things should end; and he believed it was the general opinion, he hoped, a strong one, that these discussions should also terminate. Mr Brougham regretted that

- on this subject he should differ from any of his political friends. He owed here an imperious duty to the country, and one more sacred still to his illustrious client. If he were capable of being biassed, on such an occasion, by party spirit, or the love of popularity, he would think himself the meanest of traitors to the mistress
- he served. He would never give her Majesty any other advice than that which appeared to him most conducive to her own honour, and the tranquillity of the country.

Lord Castlereagh declared, that he felt considerable difficulty in rising to address the House, after the powerful impression which had been made by the extraordinary talent and ingenuity of the honourable gentleman who had just sat down. Without losing any advantage of his legal character, he had availed himself of his situation as a senator, to excite the strongest feelings in the assembly. He himself had not intended to speak till a later period; but he felt called upon to answer, without delay, some observations of the learned gentleman. He entirely agreed with him as to the harmony with which the conferences had been conducted, though in his speech he had thrown out some insinuations too much in the spirit of an advocate. With regard to the question of the Liturgy, he was ready

to take it on the broadest grounds of ministerial and personal responsibility. Her Majesty's right to the title of Queen, had been from the first unequivocally acknowledged; he had named her in Parliament under that title. Whatever propositions were made to her Majesty when abroad, were laid before her in the character of Queen. Her Majesty had not been called on to surrender any of her legal rights, as Queen, but to forbear from the exercise of certain rights, which ministers were induced to recommend, that, for the sake of peace, she should give up. It was necessary for his argument, on this subject, that he should state so much of the law, with respect to the liturgy, as governed his own judgment, and that of his Majesty's ministers, in the advice they had given. In the first place, he denied that the Act of Parliament was peremptory on this question. The words of the statute, which set forth, "that it would be proper for the lawful authorities to alter the prayer with respect to the King, Queen, and Royal Progeny," did not impose on the Council the necessity of inserting the names of all five persons that came within those words. From the period of passing the act of uniformity down to the present day, a discretion had been exercised by the King in Council, to include or exclude the names of individuals of the Royal Family. It was a fallacy to say that her Majesty was not now prayed for. This could not be contended, unless it could be proved that her Majesty was not a member of the Royal Family. Although he would not disguise that there were considerations, on which the discretion of his Majesty, to include or exclude names, had been exercised in this instance, yet he protested against the conclusion that the manner in which the discretion had been exercised was

a conclusive stigma upon her Majesty. There was no principle of selection; the power was arbitrary. Names were included in the Liturgy or excluded according to circumstances, and as the King was advised by his Council to make the introduction or exclusion. As to the mode of exercising this discretion, the Council did not generally make the necessary alteration, but referred it to the archbishop, who carried the representation made to him to the closet, and altered the Liturgy accordingly, with the approbation of the Sovereign. This discretion had been exercised, not only in more distant connexions, but even in some as near as the present. The Queen of George I. had not been prayed for by name. It was true, there had been documents in the Consistory Court at Hanover which justified this exclusion. But the case shewed the same exercise of discretion which was acted upon in this case, and in this case too that discretion was exercised upon distinct considerations. Prince George of Denmark had not been prayed for by name, although he was the consort of the Queen. This was a case which justified to the full extent the discretion now exercised.

This step had by no means been taken in contemplation of proceedings before Parliament. Every effort had been exhausted to avert that calamity, which only the arrival of the Queen in the country could render inevitable. Information had been given, which attributed to her Majesty charges of the gravest nature. The question was, under the inevitable fact of ministers possessing such information, what course they had to adopt. Under the prospect of proceedings which nothing could prevent but that the Queen should not come to this country, could he have advised to call for the prayers of the country

for the illustrious individual by name—not to call for the prayers of the country for her as one of the Royal Family; but to present the individual for the prayers of the country, when perhaps it might soon afterwards become a duty to bring down information to Parliament which might give a character to her of a different sort. He had no hesitation in saying, that, while influenced by the considerations which he had mentioned, he would, as an honest man, and as a minister of the Crown, have sacrificed his existence rather than have given a different advice, and without any examination into the truth of the information. The Queen's counsel had never till now appeared to attach any importance to this point. They had taken no notice of it in the negotiations prior to the Queen's arrival, in which the complaint only related to the want of respect from the King's servants abroad. Lastly, at the opening of the conferences, this point had never been mentioned; but it had been declared, that her Majesty's honour and dignity being satisfied, every other question was secondary, and might be left to arbitration. If it had been brought forward, it would have terminated the negotiations at once. It was hard that this cardinal and essential point should have been kept back, and that ministers should thus have been entrapped into a negotiation. His Majesty's ministers could not as honest men, or in common sense, act otherwise than they had done till an inquiry took place. There had been no difficulty in point of law. If the law had required the introduction of the name into the Liturgy, it would have been a great relief from the most embarrassing question which ever any government felt. If the Queen now complied with the wishes of Parliament, it would be fair to view her conduct, not as a shunning from in-

quiry, or a withdrawing of the pledge she gave in coming to this country ; but as proceeding from a spirit of accommodation, and a desire to save the Parliament and the country from an inquiry most difficult and most perilous in itself, and most alarming in its consequences. Ministers had shewn every disposition to conciliate, short of calling upon the King to retract his deliberate opinion ; but if the system of tergiversation, which had recently been adopted, were to be continued ; if, when one point was conceded, another point was in consequence of such concession to be more strongly insisted upon, the House might bid adieu to all hopes of any satisfactory negotiation. Ministers had been willing to give up every thing, except their own honour, to relieve her Majesty ; they had not refused her any point, which it was within their power to grant ; and whatever might be the result of the present deliberations, he, for one, did not feel inclined to recede a single inch from the counsels which he had given to the Crown upon this very delicate and important subject.

Lord Archibald Hamilton began with expressing his high esteem for the honourable member who had brought forward the present motion ; but could not think it had been at all framed in the spirit of conciliation. His honourable friend came to the House, and he could assure his honourable friend, that, in the remarks which he was going to make, he had no intention to disparage his many great and eminent virtues ; but his honourable friend came to the House lamenting the unfortunate differences which existed between the two most illustrious personages in the country—lamenting the extent to which they had been carried—lamenting the improbability which appeared of bringing them to any amicable

adjustment, and concluded, after all his lamentations, by proposing that the party which had previously been acknowledged to be the injured party should submit to still further injuries, and that the persons who inflicted those injuries, and who, he did not hesitate to say, were his Majesty's ministers, (*hear,*) should be empowered to ask her Majesty, in the name of Parliament, to give a permanent acquiescence to a scheme, which, supposing it to give her a partial and temporary relief, was certain, at the same time, to entail upon her a permanent and indelible disgrace. He had long meditated a motion upon the subject of the Liturgy, and had only been withheld by representations from the Treasury Bench, on the extreme delicacy of the subject ; but all motive for reserve was now over. The Queen, it was said, sustained no injury, because she was prayed for under the words of " all the Royal Family ;" but the King was also so prayed for ; and for the same reason his name should have been omitted. The honourable mover, he thought, was the last man to have treated this as a mere matter of court etiquette ; yet, if he thought otherwise, he was guilty of inconsistency in asking the Queen to give up her right. He trusted the House would rather sanction the principle of undoing what had been unjustly done, than of persevering in acts of similar injustice. He had received letters from different gentlemen, in different parts of the country, and even from some clergymen, stating that the order in council was entirely ineffective, and adding, that in many parts of the kingdom her Majesty was publicly prayed for, even by name. His Majesty's ministers had sent it down to Scotland, where they had no authority to send it—where there was no regular form of church

service—where there was no Liturgy, but where, he was happy to state, it had been rightly and universally disobeyed. He would ask Lord Castle-reagh, first, whether the order in council was as he had stated it to be? secondly, whether it had not been frequently violated? and, lastly, whether any of those who had violated it had ever been, and how, punished? Let the Queen be innocent, or let her be guilty, he thought it incumbent upon the House to place her, and he therefore called upon them now to place her, in the Liturgy, from which she ought never to have been displaced, not even for a moment. His lordship concluded with moving, “That this House, sensible of the objection the Queen must feel at the relinquishment of any points in which her dignity and honour are involved, is of opinion, that the insertion of her Majesty’s name in the Liturgy would be, under all the circumstances of the case, the most expedient and most effectual mode of sparing this House,” &c.

Mr Denham strongly repelled the charge, that the Queen’s legal advisers had been guilty of tergiversation; declaring, that they had kept to the last the ground and attitude they had at first assumed. He endeavoured to shew, that the Queen had the clearest right to be prayed for by name. He enumerated various instances of ill treatment which she had experienced. It was very singular, that these charges, collected a year ago in the north of Italy, should never have been heard of till they were now laid on the table. The crime was her coming to England. If she had lived abroad, either as Princess of Wales or as Queen of England, she might have conducted herself as she pleased, and there would have been no accusation. She might have wandered over the continent, and exhi-

bited the disgrace of England in the sight of foreigners. She might have behaved like the most degraded of human beings, and nothing would have been alleged against her. But her coming to England was a crime which demanded instant inquiry and punishment. The Queen was ready to meet the charges against her. Of that readiness, and of her innocence, she had given the most decisive proof by her immediate appearance in England. This had been universally acknowledged; and yet, in the very same breath, she was praised for the boldness with which she had met her accusers, and advised to give up the right for which she was contending. Her Majesty was content to reside abroad; but, in going abroad, she wished to have her innocence fully and definitely established—established in such a manner as it could only be established by the restoration of her legal rights.

Mr Bankes strongly supported the original motion. He would ask any reasonable man, how ministers could have vindicated themselves, either to the Sovereign or to Parliament, if they had come down to the House with the insertion of the Queen’s name in the Liturgy—the ink still wet in one hand, and the papers of accusation which they had received against her in the other? Of the contents of these papers he knew nothing; he hoped to know nothing of them; and as to their truth or falsehood, would offer no opinion. He wished to see the Queen placed exactly in the same situation as if she had never taken the imprudent step of landing in England. He gave credit to her Majesty for the readiness which she expressed to meet inquiry; but he doubted if her advisers were benefiting their client by professing, on the one hand, a wish for conciliation, and making, on the other, that point a *sine qua*.

*non*, the resignation of which would be no derogation from her character.

Mr Williams endeavoured to prove, that ministers had acted improperly and unwarrantably upon this occasion.

Sir Francis Burdett attacked the conduct of ministers in his usual style of unmeasured invective. He applauded the conduct of the Queen in having triumphed equally over their bribe and their threat. She had adopted a course of conduct so magnanimous, as to raise her in all men's minds, and which afforded such presumption of her innocence (to use the expression of the honourable member below him,) as rendered it as doubtless as the valour of the Duke of Wellington. Let the House look at the treatment which this illustrious lady had experienced from her first arrival in this country—cut off from the protection of those whose duty it was to protect her—deprived of that control which she had a right to exercise—allowed no intercourse with her family or with her child; and if, under such circumstances, when goaded by insult, and driven almost to madness, she had acted improperly, no man who harboured a principle of honour in his breast would not shed a tear for her misfortunes—but he would not at the same time pursue her with the arm of vengeance, under the mask of mercy. There was much apology for the King, whose ear had doubtless been poisoned by spies and go-betweens; but there was none for ministers, who ought to have undeceived him, and given him sound advice. It ought to have made no difference in their minds, whether the Queen remained abroad or not; they were bound by their duty to the King, and to the country, to pursue a steady course, without any alteration of their views in consequence of her presence or her absence. But, on the contrary,

they told her, that if she continued to live abroad, she might with impunity act in such a manner as to bring disgrace on the King and country; but if she came to England to trouble them, then it would be imperative on the noble lord, as an honest man, to bring down a green bag. He felt some parliamentary difficulty in the extraordinary mode of proceeding which was proposed. They were called on to address the Queen; and if she was to be treated with that respect, it was not, surely, too much to ask ministers to withdraw the stigma which they had cast upon her character; let either the green bag or the present motion be withdrawn. How any man could hold the bag in one hand, and vote for this motion with the other, he was at a loss to conceive. What, if her Majesty should not choose to receive the address; and, in fact, should not comply with it? She had always been anxious to do what was wished by the House of Commons; she had thrown her life and her honour on them; and therefore there could be no doubt of her confidence in the integrity of the House, or of the deference which she was disposed to pay to its opinions. But he would say for her in the words of the poet—

“To the high lord of my dear native land,  
I owe a subject's homage; yet even him,  
And his high arbitration, I reject.  
Within my bosom reigns another lord,—  
Honour, sole judge and umpire of my conduct.”

This point she could not concede; especially, when the House asked it in order to get ministers out of a scrape—to enable them to sneak away with their green bag. The honourable baronet remarked on the great difference between Lord Castlereagh, who pursued the Queen for her vices and bad qualities, and Mr Canning,

his colleague, who wished to punish her for her virtues and good qualities. Her amiable disposition and fascinating manners, he said, would render her the tool of faction; but he would beg to know, of what faction she had ever been the tool, except that to which the right honourable gentleman belonged?

Mr Canning declared, that he should not be challenged or provoked to enter into any recrimination. This was not the time for ministers to enter into a justification of their conduct; when that time came, they would be most fully prepared. Ministers had been forced into this question—forced by those advisers, who, in an ill-fated hour, had induced her Majesty to return to this country. There were charges, as to the truth or falsehood of which he did not mean to say a word; but they existed. Ministers, in the exercise of a sound discretion, would most gladly have allowed them to sleep; but no choice was left to them. There could be no desire—desire! how could he say desire, or how suppose that there should be in the mind, he would not say of any honourable man, but of any human creature with the feelings of a man,—how could there be any other wish or feeling but that inquiry should be avoided? If there had been any choice left to ministers, he would himself have considered their conduct most unwarrantable if they had not sacrificed every personal or private feeling to a sense of public duty, by abstaining from all proceedings in this case; but the unfortunate return of the illustrious personage had left them no option. The honourable baronet had described the language in which he himself upon another occasion had spoken of that personage as extravagant. If that language had procured him any credit with the House for sincerity, he hoped he might in the same spirit of sincerity declare, that

he thought it not inconsistent with the strongest feelings—(if in saying so he did not use an improper expression)—the strongest private feelings of admiration and regard for the illustrious individual—for any person holding a public situation, and discharging public duties, to say before-hand that he would use every effort to prevent the agitation of a fruitless question, unless a possible event should occur to make it necessary. That event had unfortunately occurred, and he was not prepared to say that there was any alternative but to proceed to the inquiry. Mr Canning expressed his astonishment at the new and exaggerated importance which had been attached to the affair of the Liturgy. If indeed it were a point of such importance, not merely as a worldly matter, but as a religious observance, what was to be thought of those negotiators for the Queen who postponed it to the questions of residence, patronage, and income, and who, when they did introduce this awful heavenly point, of exclusion from the ceremonial of the church, did it in the way of commutation for an equivalent? If it were to raise her Majesty, on the aspirations of millions, to the presence of her Creator, what was to be thought of those advisers who postponed it to a point of etiquette—to a question what sort of introduction her Majesty should obtain at some petty court, like those of Kniphausen and Hohenzollern, where the single minister of state was out at elbows, and the pomp of military parade was kept up by three whiskered grenadiers and the fraction of a drummer? Mr Canning concluded, with expressing his entire concurrence to the motion of Mr Wilberforce.

Some explanations were given by Mr Brougham and Mr C. Hutchinson, chiefly relative to the conduct of Lord Hutchinson.

Mr Wilberforce made a short re-



ply, which was followed by a few explanatory observations from Lord Castlereagh.

The vote, after many loud calls, was now taken, when, there appeared,

For the original motion, . . . 394  
Against it, . . . . . 124

Majority for the resolution, 267

On the same day, the House of Lords, with a good deal of dissatisfaction, agreed to defer the sitting of the Committee till Tuesday next.

On the following evening, an explanation was given by Mr Brougham, from which it appeared, that the Queen, immediately on being informed of the omission of her name in the Liturgy, had addressed a complaint on the subject to one of his Majesty's ministers.

After the passing of the resolution in the House of Commons, Mr Wilberforce, Sir T. Acland, Mr Bankes, and Mr Stuart Wortley, were appointed, as a deputation, to wait upon the Queen and present it to her. The expectation of this event excited an extraordinary interest in the public mind, and all the streets bordering on her Majesty's residence were crowded to excess. The disposition shewn by this multitude was such as altogether tended to confirm her Majesty in the resolution which she was supposed already to have formed. As the carriages conveying the members of the deputation appeared, hooting and hissing, with cries of "No address," were raised to a great extent. The four gentlemen having alighted, were received by the Queen in the drawing-room, with Mr Brougham and Mr Denman on each side, and attended by Lady Anne Hamilton. The members having knelt, and kissed her Majesty's hand, Mr

Wilberforce read the resolution of the House. The Queen then returned the following answer:—

"I am bound to receive with gratitude any attempt on the part of the House of Commons to interpose its high mediation, for the purpose of healing those unhappy differences in the Royal Family, which no person has so much reason to deplore as myself. And with perfect truth I can declare, that an entire reconciliation of those differences, effected by the authority of Parliament, on principles consistent with the honour and dignity of all the parties, is still the object dearest to my heart.

"I cannot refrain from expressing my deep sense of the affectionate language of these resolutions; it shews the House of Commons to be the faithful representative of that generous people, to whom I owe a debt of gratitude that can never be repaid.

"I am sensible, too, that I expose myself to the risk of displeasing those who may soon be the judges of my conduct; but I trust to their candour, and their sense of honour, confident that they will enter into the feelings which alone influence my determination.

"It would ill become me to question the power of Parliament, or the mode in which it may at any time be exercised; but, however strongly I may feel the necessity of submitting to its authority, the question whether I will make myself a party to any measure proposed must be decided by my own feelings and conscience, and by them alone. As a subject of the state, I shall bow with deference—if possible, without a murmur—to every act of the sovereign authority; but, as an accused and injured Queen, I owe it to the King, myself, and all my fellow-subjects, not to consent to the sacrifice of any essential privilege,

or withdraw my appeal to those principles of public justice, which are alike the safe-guard of the highest and the humblest individual."

The deputation, having received this reply, made their obeisance and retired; while the multitude, on receiving notice of what had passed, testified their concurrence by the loudest acclamations.

Such was the unfortunate issue of this attempt, made with the best intentions, to avert the evils impending upon the House and the public from this inquiry. We do not hesitate to say, after considering all the circumstances and issues, that the Queen would have acted a wise part in seizing this opportunity of retiring, with a good grace, from the conflict. Still we question whether the plan of pacification adopted was altogether happy or promising. It should seem, according to the views already given, that the other side was the quarter to which Parliament might most naturally have looked to close the contest, either by arbitration or concession. The Parliament is constitutionally the King's great council; and this

original right was greatly strengthened by his Majesty's having voluntarily come down, and thrown himself upon their judgment. To him, therefore, advice could be tendered with the very best possible grace; while the offering it to the other party, was going out of the regular course of Parliament, and not very compatible with its dignity. What was still more important, counsel addressed to the regular quarter would have been all but imperative; while in the other case, its acceptance depended upon the will, perhaps capricious, of an individual, from whom they had no room to expect the exercise of any peculiar discretion. The resolution might equally, in this case as in the other, have given it to be understood, that the concession was asked merely for the sake of peace, and did not imply any sacrifice or change of opinion. Its success, we think, can scarcely be doubted, especially as there could be little anxiety to open a cause in the face of such a torrent of popular opinion, the impossibility of stemming which, by almost any proof or process, must have been already foreseen.

## CHAPTER VII.

## TRIAL OF THE QUEEN.

*Remonstrances against the Mode of Proceeding.—Report of the Lords Committee.—Bill of Penalties.—Discussions respecting it.—Preliminary Questions.—Opening of the Trial.—Evidence against the Queen.—Pleadings.—Evidence in Defence of the Queen.—Pleadings.—Debates in the House of Lords.—The Bill carried.—Withdrawn.*

EVERY effort to adjust amicably the differences in the Royal House, and to avert a full inquiry into this painful subject, having thus proved abortive, nothing remained but to proceed in the course which had been already marked out. Before, however, the secret committee began its operation, the Queen interposed a remonstrance against the mode of investigation employed. She drew up a petition in the following terms: .

*To the Lords Spiritual and Temporal,  
in Parliament Assembled.*

“CAROLINE R.

“The Queen, having been informed that proceedings are about to be instituted against her in the House of Lords, feels it necessary to approach your Lordships as a petitioner and a fellow-subject. She is advised that, according to the forms of your Lordships’ House, no other mode of communication is permitted.

“Now, as at all times, she declares her perfect readiness to meet every charge affecting her honour, and she

challenges the most complete investigation of her conduct; but she protests, in the first place, against any secret inquiry: and if the House of Lords should, notwithstanding, persist in a proceeding so contrary to every principle of justice and of law, she must in the next place declare, that, even from such an unconstitutional course, she can have nothing to apprehend, unless it be instituted before the arrival of those witnesses whom she will summon immediately to expose the whole of the machinations against her. She is anxious that there should now be no delay whatever in finishing the inquiry; and none shall be occasioned by her Majesty. But the Queen cannot suppose that the House of Lords will commit so crying an injustice as to authorize a secret examination of her conduct, in the absence of herself and her counsel, while her defence must obviously rest upon evidence, which for some weeks cannot reach this country. The instant that it arrives, she will entreat the House of Lords to proceed in any way they may think consistent with

the ends of justice ; but in the mean time, and before the first step is taken, her Majesty desires to be heard by her counsel at your Lordships' bar, this day, upon the subject matter of this petition."

This petition was first tendered to the Chancellor, who was requested to present it to the House of Peers. The application to a channel so hostile, seems not much to be approved, since it would scarcely have any other object than the awkward situation in which it placed that great functionary. Perhaps, however, the Chancellor rather committed himself when he declined to do what is usually considered as a duty incumbent on any member of the House. The petition was, therefore, on the 26th June, presented by Lord Dacre, who, animadverting on the Chancellor's refusal, stated, that he himself never had the slightest communication with the Queen, but was merely performing what he conceived a duty to a person under accusation.—The Chancellor observed, that having only three minutes to consider of the application, it had occurred to him, that he was the last person in the House by whom this petition ought to be presented ; and he had found no precedent in the Journals for such a proceeding. At the same time, he declared to their Lordships, and was ready to declare in the face of the whole world, that he would rather suffer death than admit any abatement of the principle, that a person accused is not therefore to be considered guilty.

Lords Grey, Holland, and Lansdowne insisted, that there was nothing in the situation of the noble and learned Lord which made any distinction between him and other members of the House, or exempted him from any of the duties incumbent upon them.

Lord Liverpool urged, that any in-

dividual peer might have particular and personal motives for declining to present a petition. This was admitted, provided the motive were not taken from consideration of the place where he sat. The Chancellor declared, that he would never hesitate to present a petition from the highest or the lowest in the land, provided he thought it consistent with his duty to the House.

After these prolegomena, the petition was read, and it was agreed, that Mr Brougham should be heard in support of it.

Mr Brougham stated, that nothing could be farther from the intention of her Majesty, than to ask for delay, in the accustomed and vulgar sense of that word. She asked for no delay of the prosecution ; she asked for no delay of judgment, because she was conscious that she was innocent, and because she knew that their Lordships were just ; but she asked for delay, because she knew that all the forms of law and justice would be set at defiance if they refused to listen to her petition, and proceeded to try her on the *ex parte* statements of her enemies. What the charges themselves were—by what testimony they were supported—who the base fools were who lent themselves to procure, collect, and arrange them—how they were scraped together—by whose influence they were conjured up, he could not tell ; but it was enough for him to know this, that he it creditable to the collector, or be it odious and disgraceful to the collector and the witnesses, it went to affect the character, and to impeach the conduct of her Majesty, for something that was alleged to have been done abroad. Now, it was known to their Lordships, that her Majesty had resided for the last five years at a great distance from this country ; that she had lived beyond the Alps and the Appenines, and that it was physically

impossible for her to procure the production of a single document, the presence of a single witness, or even the answer to a single letter, that might be necessary for the vindication of her character, in less than five or six weeks. Unless, therefore, the necessary time were allowed, her Majesty could have no means of defence, and might as well be condemned without the formalities of trial. When an English woman was accused, no foreigner must be admitted as an evidence against her—none whose principles hung on them by a loose tenure—none who denied the obligation of an oath; she had an opportunity of knowing the witnesses against her, and she could compel the attendance of those who could give testimony in her favour. Her Majesty possessed none of those advantages; she was discountenanced by all the authorities, both at home and abroad; she had to meet all that bribery, all that force, all that malignity could collect and array against her. He would ask their Lordships if they could doubt that her Majesty was conscious of her innocence, and fearless of the result, when, under such circumstances as these, she called on her law officers to go on, and demanded no delay of the proceedings. It was his duty, however, to guard her against the dangers into which she might be led by this intrepid consciousness of innocence. It was impossible that the advocate could do his duty without full communication with his own witnesses, and without an opportunity of knowing the witnesses on the opposite side. He assumed, with great humility, that their Lordships would at least allow her Majesty a few months to bring forward her witnesses. He supposed that there was not an English tribunal—not even a Milan tribunal—that would deny an accused party some opportunity of de-

fence. How unfair, that before this time, the invisible tribunal—he begged pardon, the secret committee, should have pronounced sentence, her name have been blackened all over Europe, and an unfavourable impression produced for a great length of time. These reasons, he urged, were conclusive against any secret investigation, and for delaying the commencement of the trial in any shape, for the space of two months.

Mr Denman followed on the same side, and strongly urged similar arguments. In what situation would her Majesty be placed, after the report of the secret committee? A committee of fifteen of the most distinguished peers of that House, whose minds had been impressed by the contents of this bill, were to pause for a time on these impressions, and then to sit in judgment on her Majesty's character, her honour, and perhaps her life. How was it possible for the most honourable mind to divest itself of prejudices so impressed? In such circumstances, how great was the likelihood of worthless characters furnishing such evidence as they might deem to be acceptable? It was enough to rouse suspicion, that the desire to receive such testimony was known to exist. There was a peculiar call in such circumstances, to allow every means of guarding against the dangers of subornation.

Mr Williams began on the same side, but was stopped by the Chancellor, who observed, that it was not customary for more than two counsel to be heard in support of a petition.

This proceeding was followed next day by Earl Grey, with a motion for doing away with the Secret Committee, and for proceeding by open investigation. It did not appear to him that there were any precedents exactly applicable to the present case; and, if they were, they might have taken

place in times, when considerations of equity had little influence. The proposition made to them was, that they should now proceed to examine information of a nature totally *ex parte*, in a case directly affecting the character and honour of the Queen. This examination was to take place without affording her any means of explanation on the charges made against her — any opportunity of examining witnesses, or of saying any thing in her own defence. Upon such a partial examination their Lordships were to make a report with a view to some proceeding in that House. Be that proceeding what it may, her Majesty would inevitably be placed in a disadvantageous situation with respect to it, from the weight of their Lordships' report, in the first place, against her. Notwithstanding all his respect for the noble and learned Lord, he could not be satisfied as to those subtle distinctions, by which he endeavoured to prove that the Queen could not be arraigned as guilty of high treason. At all events, the House of Commons might impeach her as having acted in a manner unworthy of her high station. That illustrious person came before them in a character in which he believed no Queen of England had ever before appeared. She is a petitioner; she prays for a prompt inquiry, desirous that no delay may take place, but begs that she might not, by a previous proceeding, have the accusations against her sent forth into the world, not as the charges of her accusers, but as those of that House. He was far from wishing their Lordships to yield to any factious clamours; yet surely they ought to pay some regard to the character which their proceedings would have in the eye of the public. Their Lordships occupied a high station in the country, distinguished by a long line of ancestors, possessing wealth, rank, and every thing that could

entitle them to respect, and secure their perfect independence. Possessing these high advantages, they were bound to take the greater care how they brought the character of their proceedings into question. Secret committees had of late been too common in this House, and their very name stamped a suspicion on any proceeding connected with them. Were he a member, he would not hear the paper of accusation read, he would insist upon seeing and hearing the witness himself. The committee was entirely composed of ministers of the crown, and of persons devoted to them; and the report would be entirely their report. Was there any secret charm in the committee-room of that House, which was to inspire them with that energy, wisdom, and justice, which they could not find in their cabinet? The only mode of extricating them from the straits in which they had involved themselves, was by a fair, open, and impartial inquiry. This might be done either by judicial proceeding, by bill, or by a mixture of both modes. The conduct of ministers during the whole of these proceedings, had been most extraordinary, weak, and unjustifiable; and by their imbecility and vacillation, they had brought the question to an issue, which they could not pursue without danger, or retract without disgrace. It was now twelve months since they had the report of their commission in their hands, upon which they ought either to have acquitted the Queen, or commenced proceedings, which might by this time have been terminated. They entered into negotiations, in which they coupled the menace of proving criminal charges, with the offer of an arrangement wholly inconsistent with them. They now sought to divest themselves of their official accountability, and to throw upon committees of Parliament their duties and responsibili-

ty. At a season of great public distress and danger, at a moment of great peril to the peace and tranquillity of the country, they had shown themselves unfit for the emergency, and called upon their Lordships for direction. When the tempest arose—when the winds raged—when the waves beat high, the vessel of the state was left by them, without compass or rudder, to the mercy of the storm. The concessions which they had made to her Majesty, and the panegyrics which some of them passed upon her, were totally inconsistent with the charges which they advanced. Her Majesty was accused—the charges were in the bag—a committee had been proposed—and yet they paused, and agreed not to open the bag, but to address her Majesty, with all respect and submission, to surrender some of her rights, that inquiry might be prevented. Lord Gray concluded with moving to discharge the order for the meeting of the secret committee. He knew nothing of the accusation against her Majesty—nothing of the witnesses by which it was supported—nothing of the evidence by which it could be repelled. But on this principle he stood, that there should be no secret investigation—that there should be no inquiry that was acknowledged to be derogatory from the dignity of the Crown, and injurious to the best interests of the empire.

The Earl of Liverpool had been much surprised to hear the Noble Earl, after disclaiming any intention to make this a party question, conclude with one of the most inflammatory party attacks that had ever been made within the walls of Parliament. He was prepared to appeal from the judgment of the noble Lord to the country, to Parliament, and to posterity, and to be tried by them for the conduct pursued by himself and his

colleagues for the last eight years. He was willing that their counsels and acts should be compared to the counsels and acts of the administration with which the noble Earl had been connected. The wish of ministers to avoid proceedings against the Queen, and to prevent her coming to this country, was approved of, he was sure, by nine-tenths of the nation. Was there any alternative, then, when she arrived, between allowing her all the honours and privileges of her rank, or placing her in a state of accusation? He was conscious of none of that vacillation, of which the noble Earl had accused ministers. They had laid the papers on the table, and moved the appointment of a committee. A strong sense had been expressed in the other House, that an attempt at negotiation should be made; and with this ministers had gladly complied; but they did not know of the motion to this effect an hour before it was made.—Lord Liverpool insisted that the Chancellor was perfectly correct in his opinion, that the Queen could not be chargeable with high treason. She could be brought in only as an accessory; and where, as in the case of a foreigner, there was no principal, there could be no accessory. A legislative proceeding was the only course that could be adopted; and the House of Lords, from being accustomed to examine witnesses upon oath, as well as from other considerations, seemed the quarter from which it should originate. The next question was, whether there should be any preliminary inquiry. He could find no precedent of a Bill of Pains and Penalties, without some such inquiry; and, if there was one, it was surely prejudicing the cause less that it should be secret, than that it should be public. This was an accusation against the first subject in the realm, and the case could not be

entered into without great difficulty and great delicacy. Was it fitting, he would ask their Lordships, that the House, on the mere *ipse dixit* of a minister, and without inquiring for themselves, should decide that there were grounds of proceeding against the illustrious individual who was accused? The noble Lord had assumed, and the assumption certainly was not Parliamentary, that this committee must report that there were grounds for farther proceeding. There was no such necessity; it might report that there were not, as well as that there were grounds. He agreed, that full opportunity ought to be given to the Queen to prepare for her defence. He thought that she and her counsel should have their choice as to the time at which the requisite delay should be granted—whether it should be before the trial commenced, or after the charge and the evidence in support of it had been brought forward. But the inquiry before the secret committee did not imply any charge. Their Lordships, by referring the papers to a committee, were not by that proceeding making any charge against her Majesty, but were merely ascertaining whether any charge should hereafter be made. He would not suffer himself to be swayed by arguments, grounded on the clamour of the factious and discontented out of doors. The members of the committee consisted of Peers, as honourable and as well-qualified as could possibly have been chosen.

Lord Erskine had originally supported the motion for a secret committee, as the most tender way of dealing with the accused. After what had passed, however, and after the petition presented by the Queen herself on the subject, he conceived there was no longer any possibility of avoiding a public trial, and thought the House should at once proceed to it.

The Lord Chancellor could see no change which had occurred in the state of the case. He conceived it quite clear, that there was no ground on which the Queen could incur the charge of high treason. It was by a forced construction at best, that adultery in the Queen Consort was made to infer such a charge, even when committed with a subject; but when it was committed with a foreigner, there did not appear to him the slightest pretence on which it could be founded. In regard to the mode of procedure, he would state, and he wished that his voice was loud enough to convey the opinion from one corner of the empire to the other, that those brought a most abominable and unjust charge against his Majesty's ministers, who said that they were desirous of disposing of this important question in the most offensive way that the public imagination could conceive, when it heard the words "secret committee." His obligations to the Crown were very great—still no punishment would be too severe for him, if he, during the prosecution of the inquiry into which they were about to enter, holding the high judicial situation which he held, was willingly to lose sight for a moment of the great principles of English justice. He admitted the full responsibility of ministers on the present occasion, but considered that responsibility as a point of very secondary importance, in a question where the King and Queen were personally interested. Ministers, therefore, were the better able to endure the taunts of ignorance, stupidity, precipitancy, and vacillation, which were so liberally thrown out against them. As for the argument, that the members of the secret committee, after pronouncing an opinion, could not sit in judgment on the question, it was one which had never before been held.



Whenever there had been such committees, as was usual upon bills of attainder, bills of pains and penalties, and bills of impeachment, the noble Lords who had sat on such committees had never been suspected of performing the duties which devolved upon them in subsequent stages, with less fidelity on that account. How would noble Lords, who held that opinion, propose to do in cases of bills of impeachment, brought in by a Committee of the whole House? He had been accused of being too much addicted to delay; but though he would willingly grant all the delay which appeared to be necessary, impartiality seemed to require, that no more should be granted. If further proceedings in this important inquiry should be deemed necessary, he should enter upon them in the spirit—~~ably~~ described by an eminent English Judge, who declared that he had made a covenant with God and himself, that neither affection, nor any other undue principle, should ever make him swerve from the strict line of his duty.

The Marquis of Lansdowne and Lord Holland supported the motion for inquiry, which was opposed by the Earls of Donoughmore and Lauderdale. The question being then called, the motion was negatived by a majority of 103 to 47.

On the day previous to the above debate, the House of Commons had under their consideration the course which they were to take on this great question. The debate was introduced by Lord Castlereagh, who supposed that every effort, both on the part of his Majesty's Government, and of Parliament itself, to avert inquiry, had now been exhausted, and that nothing remained but to put both parties, as speedily as possible, into the situation which they were to occupy, pending the course of a ju-

dicial inquiry. The mode of proceeding adopted by ministers, was that which appeared to them consonant to the soundest views of Parliamentary practice. Although they would not have hesitated, upon the evidence in their possession, to bring the subject in a distinct and intelligible form before the House, yet it appeared to them incumbent, first of all, to enable Parliament to ascertain whether there were *prima facie* grounds for entertaining such charges. One hope was also, that, during the sitting of a secret committee, means might be found to avert the necessity of a mere public and extended investigation. The case had now undergone an important change: Her Majesty had repeatedly protested against any secret inquiry, and represented it as an injury done to her. In consequence also of proceedings in this House, every attempt had been made to effect an accommodation. Without attempting to cast blame upon any quarter, he might say, that something was fairly anticipated from the disposition professed by the Queen to yield to the judgment of Parliament. It had been thought, that from the moment her legal character and dignity as Queen were satisfactorily recognized—from the moment her rank and honour had ceased to be implicated—that all other matters would be secondary and subordinate—and that she would be willing to submit to the arbitration of one or more respectable individuals, regarding the questions of reception, patronage, and income. In favour of this supposition the House had given its solemn judgment. It was not, he believed, saying too much to state, that the records of the country might be searched in vain for any approach by the House to a member of that illustrious family, or to any individual connected with the throne, more calculated to

conciliate the feelings. Her Majesty had disregarded the opinion of the House of Commons in a manner which could not have been done by the other side of the royal house. The most serious and solemn appeal ever made to a member of the Brunswick family, had in this instance proved unavailing; and the House must feel, that it had exhausted every thing in the way of the exertion of its influence and authority; and that the only course, consistent with its dignity and the principles on which it had acted, was now to consider how it could put in a train of judicial investigation those charges, an inquiry into which it had made one of the greatest efforts in the history of Parliament to avert. In these circumstances, the motives which had induced to recommend a secret committee, seemed no longer to exist. He was, therefore, ready to submit to the House a motion, which, without any further preliminary, might put it in possession of the charges contained in the information now on the table. He conceived it, however, to be of advantage, that the measure should originate in the Upper House, which was in more judicial habits than the House of Commons. He should therefore propose an adjournment from the present Monday to Thursday se'ennight, by which time they might be able to judge of the view which the House of Lords was taking of the case. He proposed also, that the debate on the King's message should be adjourned to the day immediately after Thursday. He had heard it insinuated, that the address to her Majesty had been of such a tenor, that the resolutions of the House were *ipso facto* buried in oblivion; and that no future step, preliminary or direct, could be taken with regard to these charges. Nothing certainly could be farther from the tenor of

Mr Wilberforce's speech, which merely proposed this as the best means of averting an inquiry, otherwise inevitable. An individual of the illustrious rank of Queen of these realms, could not be placed in a situation of charge, without injury to the dignity of the Crown, and the best interests of the country, whatever might be the result. He trusted, that neither in reason, nor in common sense, would any man attribute to his hopourable friend, who served his country so usefully, disinterestedly, and ably, so extravagant and untenable a proposition, as that the resolutions he had proposed should at once put a stop to all future proceedings. He trusted that no more would be heard of such quibbling reasoning. He was confident, that the manly mind of the right hon. gentleman (Mr Tierney) disavowed it. The calamity, indeed, had fallen upon the country—no honourable exertions had been able to avert it; and he hoped that Parliament would now resume its ancient character for dignity and moderation, and that, in the course of the distressing examinations which now appeared inevitable, the voice of party would sleep, and the efforts of faction be suspended. The House, as the great council of the nation, ought to be divested of all angry passions, and free from the influence of all personal interests. Most of all, he hoped that that tone of feeling would be absent, which, though it might belong to politics, could not belong to justice.

Mr Brougham most cordially joined in the appeal made at the conclusion of the noble lord's speech. On the part of her Majesty, he had to express his infinite satisfaction—a satisfaction which was but the reflected image of her own—that at length justice was to be administered according to law, and on the principles of the constitution; that they were to hear

no more of the dark, inquisitorial, unjust, and, as he should say, illegal proceedings, which, in the first instance, they had been invited to adopt. Her claim from the first had been for open investigation—her protest against an invisible tribunal. He never had before seen such an instance of the address and tactical skill of the noble lord. It was said, that the Queen now courted open inquiry; and the gallantry and politeness of the noble lord could not refuse it. But had not the Queen, in the message presented to the House at the very outset of the proceedings, held the same language? She had then defied, courted, challenged, he might say demanded, a public scrutiny. With the change, however, which had taken place, her Majesty was perfectly satisfied, and was fearlessly prepared to stand or fall by the consequences. At the same time, he did not precisely see upon what ground ministers now came forward, and pronounced that to be necessary, which a few days before was declared injurious, if not fatal to the nation. With regard to the failure of their address, whether her Majesty's answer was wise or unwise, he should not stop to inquire. He could safely and conscientiously give his solemn assurance—and he gave it not for the purpose of exculpating where no charge was brought, or of shrinking from a responsibility which he would rather court, but for the Queen's character and honour—that her legal advisers had laid before her all their views of the whole question; that, before she returned an answer to the address, they had submitted every consideration which a knowledge of what had passed in Parliament, and during the negotiations, suggested to their minds, that every fact and every circumstance had been minutely stated, and a conviction expressed that a re-

fusal to comply with the wishes of the House must lead to a full investigation of the case. With all this information and these suggestions before her, her Majesty, with a fearlessness, which, in the history of human action, nothing but conscious innocence ever inspired, expressed her deliberate, her unbiassed, and resolute determination to abide by the consequences of the step which she was taking. If her Majesty was the first Brunswick who had so refused, let the House consider that she was the first Brunswick and the first Queen who had been placed in the same situation, and who had received an address at all similar. Her Majesty had felt the concession incompatible with her honour; but he trusted the House would not allow themselves to be biassed by this rejection of their proposal. However anxious her Majesty was to proceed, he must claim for her some delay. It was three weeks' journey to the place of her residence in Italy; three weeks' back, to which must be added, the period requisite for collecting evidence. All this must be granted, in order that her Majesty's evidence might be placed in position with the case against her. If the inquiry were proceeded in, however secretly, something would certainly creep out of the many orifices that would be open on the occasion.

The motion was opposed by Colonel Palmer, and supported by Mr B. Bathurst. Mr Western thought the House had hitherto acted with propriety, all its proceedings having been taken with the view of avoiding an inquiry. The sense of the whole country was distinctly and evidently opposed to such an inquiry, and the sentiments of the House, when the subject was mentioned on the first night, were shewn to be distinctly and decidedly contrary to any investigation of this green-bag. With this

view he had voted for the motion of Mr Wilberforce ; but he could not concur in any proposition having inquiry for its object. He therefore moved, that instead of Thursday evening, the words "this day six months" should be inserted.

Mr Tierney assured Lord Castlereagh, that the inference he had drawn from a particular shake of his head was quite erroneous ; and that no change had taken place in his views on the subject. It appeared to him truly extraordinary, that ministers should attempt to go on with the inquiry, after agreeing to vote it derogatory to the dignity of the Crown, and injurious to the best interests of the empire. The noble lord, after the lapse of three weeks, had promised that the matter should come to a conclusion this day. He would give no information what he meant to do, for the best of reasons, that he did not know. Now the debate was to be adjourned till Friday next, for the purpose of making a different motion, dependent, however, upon certain contingencies. Were the House to be trifled with in this manner, and to be made to move only at a certain distance from the House of Lords ? For the three last weeks the Lords had been waiting for them, and he supposed they were to wait for the Lords during the three ensuing. Ministers declared their readiness to undertake the entire responsibility, and yet the whole tendency of their measures was to shift it off their own shoulders. They declared then wish for an amicable arrangement, and yet the whole tenor of their conduct to the Queen, both when abroad and since her return home, tended to render that impossible. Ministers had all the obloquy of these proceedings on their own heads ; for if there was a man under heaven more unwilling than another to wound or insult the feelings

of a woman, that man was, he believed, the illustrious personage now on the throne. All the insults and affronts that had been experienced by her Majesty, came from ministers, and from ministers alone. Such acts were wholly contrary to the nature and disposition of his Majesty. They had not deigned to return an answer to any remonstrance or application made by her. At last, when driven to a conciliatory course, they produced nothing except a reference to the letter of the 15th of April, which, he must contend, was harshly worded, against all conciliation, and ought never to have been sent. Then there must be a regular negotiation, worked up into the shape of what was called a protocol, a strange name for a document relating to a family quarrel ; while the basis must be residence abroad. It could scarcely be expected that a proposition so imperatively and peremptorily laid down could be acceded to. If there had been a sincere desire for conciliation, one confidential friend would have done more in an hour than the Duke of Wellington, the Earl of Liverpool, and my Lord Castlereagh, would effect in an age. The Queen had mentioned the Liturgy, or introduction at foreign courts, but had been willing to receive any other proposition, for an equivalent ; yet ministers had made no attempt to find one. They now declared, that the Crown would not retract ; and, as long as the present ministers continued in office, conciliation was out of the question. The question with the House was, whether they would keep those ministers, or whether they would tranquillize the country. He spoke the word tranquillize advisedly ; for he heard from all quarters the strong feeling which existed on the subject. His Majesty's ministers made the Queen appear to be oppressed, insulted, and degraded. When that

was the case, it became an honourable and proud feeling in the people, with such impression on their minds, to say, "We will stand by this woman, because she is an ill-used woman." If her Majesty had been received here as Queen, till it was decided by law that she was not Queen, with all due honours—because, if her head were struck off next week, ~~and~~ while it remained on her shoulders; it was the head of the Queen—the tone of the country would not have been altered, and the existing state of things would not have taken place. But when the people saw an attempt made to whisper away her character—when they saw the noble lord coming down with his green-bag, which irritated them still more, and heard him declaring that he would bring no direct charge, but that there was something very dreadful in that bag, they became quite certain that some foul play was intended against the Queen. It was impossible not to look with apprehension to the scenes, disclosures, and investigations, with which they were now threatened. But it was possible yet to avoid this evil, and to tranquillize the country. It was to be done, however, only by a change of administration, and, so help him God, the question would never be adjusted, nor tranquillity restored to the country, till then. He declared to God that he made this observation with no view to office. Any public proceeding, instituted by the present administration, could not be regarded but as an unfair and unjust proceeding. If the Queen could not be irrefragably convicted of guilt and criminality, ministers must stand convicted of the highest guilt and criminality.

Lord Nugent, Lord Milton, Mr Hobhouse, Mr Denman, and Mr Scarlett, all spoke against the motion of Lord Castlereagh.

Mr Stuart Wortley and Mr Wilberforce supported the motion, though without wishing to throw any reproach upon the Queen for rejecting the conciliatory proposition, of which they had been the bearers. The former did not blame her Majesty for rejecting their mediation, by no means, she had full liberty to do so; on the contrary, he admired, and no man of feeling could refrain from admiring, the magnanimity with which this illustrious female had acted, not only upon this, but upon all other occasions. Feeling still, however, all the evils of the inquiry, he thought that those of omitting it would be still greater. An adjournment for six months, or in other words for ever, could never satisfy the House, the country, or either of the illustrious individuals, who were parties to it. Mr Wilberforce conceived that the course taken by her Majesty was owing to her own high and proud feeling, and not to the instigation of her legal advisers. If the House had been unanimous in the vote of Thursday, it might have saved the trouble of farther discussion. The honourable member lamented the manner in which the great law of God and nature was trifled with in the statute relating to the royal marriages. He thought it better that the investigation should originate in the House of Lords.

The motion was finally carried by a majority of 195 to 100.

All obstacles to the operations of the Lords' Committee being now removed, that body immediately proceeded to the exercise of its functions. A few days necessarily elapsed before the result could be produced—an interval which was passed by the public in a state of eager curiosity, though, on the part of the majority, with a full preparation to hold it at nought when

ever it should appear. Meantime no intermission took place in the addresses which poured in to the Queen, expressing the most full conviction of her innocence, and comparing her to the most illustrious heroines of ancient and modern times. At length, on the 4th July, the Earl of Harrowby submitted to the House the following report:—

“ By the Lords’ Committee, appointed a secret committee to examine the papers laid before the House of Lords on Tuesday the 6th of June last, in two sealed bags, by his Majesty’s command, and to report thereupon, as they shall see fit, and to whom have been since referred several additional papers, in two sealed bags, relative to the subject matter of his Majesty’s most gracious message of the 6th of June last—Ordered to report,

“ That the committee have examined, with all the attention due to so important a subject, the documents which have been laid before them, and they find that those documents contain allegations supported by the concurrent testimony of a great number of persons in various situations of life, and residing in different parts of Europe, which deeply affect the honour of the Queen, charging her Majesty with an adulterous connexion with a foreigner, originally in her service in a menial capacity; and attributing to her Majesty a continued series of conduct highly unbecoming her Majesty’s rank and station, and of the most licentious character.

“ These charges appear to the committee so deeply to affect not only the honour of the Queen, but also the dignity of the Crown, and the moral feelings and honour of the country, that in their opinion it is indispensable that they should become the subject of a

solemn inquiry; which it appears to the committee may be best effected in the course of a legislative proceeding, the necessity of which they cannot but most deeply deplore.”

The reading of the report was followed up by Lord Liverpool, with a notice that he would to-morrow introduce a bill relative to the subject.

Earl Grey rose to make a few observations. The difficulty and danger of the case appeared to him to be increased in an immense degree by the reading of this report. The case of the person accused, coming before the House through a committee of their Lordships, could no longer be considered as in an unprejudiced state. A charge of a more abhorrent nature never could be made against any individual, to say nothing of its being brought against a Queen. If this charge rested upon evidence which could be supported, it certainly formed a case for indispensable inquiry; and he agreed that it was for the honour of the Crown, and the welfare of the country, that the inquiry should proceed in the way calculated to secure the honour and interests of both. How could ministers, believing such conduct, allow it to go on for years, be willing to continue her Majesty in the character of Queen, and to have her introduced at foreign courts? In the unprecedented situation in which her Majesty was now placed, he thought she could lose nothing by the most speedy trial, instead of having such a charge hanging for months over her head. He thought that justice required that her Majesty should be forthwith furnished by ministers with a distinct statement of the charges, and a list of the witnesses on whose authority they were made.

The Earl of Harrowby regretted as much as any man the necessity of the

proceeding; but if ministers were guilty of injustice, their Lordships were accomplices in it. If there were any part of the conduct of his Majesty's ministers to which they could look back with more particular satisfaction than another, he believed it to be that which had been employed in endeavours to avoid, by some compromise, the public discussion of the present subject. He thought if there were any occasion on which a public man might be excused for making some sacrifice of consistency, it was for such an object. The present report could be regarded in no other light than the verdict of a grand jury.

The Earl of Carnarvon pointed out the difference between the present proceeding and the verdict of a grand jury. He made also severe strictures on the intention of celebrating the coronation at such a period as the present.

The Earl of Darnley condemned ministers, particularly in respect to the affair of the Liturgy.

Earl Grey, in answer to Lord Harrowby, still insisted, that if those advisers had before them evidence of the Queen having been guilty of an adulterous intercourse with a foreigner, aggravated by a long course of licentious conduct—if that charge was true, the case was one which, consistently with the dignity of the Crown, and the welfare of the country, admitted of no compromise whatever.

The Earl of Liverpool defended anew the conduct of ministers in endeavouring to avoid a public investigation; but when the Queen came to the country—when her conduct was forced upon public attention—when no medium was left between admitting her to the exercise of all her rights and privileges, and allowing her full influence on the morals of the country;—and proceeding against her, suppo-

sing the charges to be true, they were compelled to bring them forward.

The Marquis of Buckingham defended the report, stating, that it expressed the unanimous opinion of the committee.

The debate concluded with Lord Holland strongly censuring the conduct of ministers—the course of whose proceedings was, from the beginning wrong—highly inconsistent—highly dangerous—derogatory from the honour of the Crown, and injurious to the best interests of the country. He dissented entirely from the whole course of proceeding.

Considering how deeply this report struck at the honour and welfare of the individual concerned, it could not but be expected, that, even in a disposition much less ardent, it should kindle an extraordinary agitation. That which it produced was manifested by an immediate and decisive step. On the following day, Lord Dacre, now the regular channel for such communications, presented the following petition:—

“CAROLINE REGINA—

“The Queen, observing the most extraordinary report made by the secret committee of the House of Lords, now lying upon the table, represents to the House, that she is prepared, at this moment, to defend herself against it, as far as she can understand its import. Her Majesty has also to state, that there are various weighty matters touching the same, which it is absolutely necessary, with a view to her future defence, to have detailed in the present stage of the proceeding. The Queen, therefore, prays to be heard this day, by her counsel, regarding such matters.”

Lord Liverpool thought the advice which must in this instance have been

given to the illustrious petitioner, was of a most extraordinary nature. She applied to be heard in the present stage by counsel; but their Lordships were, as yet, in no stage whatever of the proceeding. It was impossible that counsel could be heard till after the first reading of the bill. As to the report, neither her Majesty nor any other person out of that House could regularly have any knowledge of it.

Lord Dacre strongly urged the granting of the petition. Considering the high station of the illustrious petitioner—considering the delicate situation in which she was placed—and considering also the interest which these proceedings had excited from one end of the country to the other, he trusted that their Lordships would pause before they excluded her Majesty from making any statement important to her honour and character, perhaps even to her life!

Lord Ellenborough replied, whether a petition came from a Princess, or one of the lowest subjects in the kingdom, their Lordships were bound to act according to the principles of equal justice. He would vote against the petition for this reason—that it asked that which, if prayed for by any other individual in the country, would not be granted.

Earl Grev felt this to be a case of peculiar difficulty, and did not wish that any undue advantage should be granted to her Majesty. The case, however, was very peculiar. It might become a case of divorce, without any of those previous proceedings in the ecclesiastical courts which made other parties acquainted with the particulars of the charge and evidence. Her Majesty might claim the right to do something to counteract the unfavourable impression which the report had produced. He had doubted the propriety of hearing counsel on the appointment of the committee;

but since it was granted then, the claim here was much stronger. Considering the deep sympathy taken in her Majesty's situation—considering the agitation into which the public mind was thrown by the proceedings—though it would be far from his inclination to advise their Lordships to yield to any popular clamour, he did think that, when such a claim on their justice as that which now came from her Majesty was made, it could not be either for public interest or the honour of the House to stand too much upon precedents.

The Lord Chancellor considered the proposition as totally out of the question. He would be glad to know where, in the history of Parliament, it was to be found that counsel were ever admitted to be heard against a measure of some kind or other not yet submitted to their Lordships, but which some noble Lord was expected to propose. Let the subject who petitioned be high or low, he would ask their Lordships, whether they were prepared to hear counsel against the privilege of a peer to present a bill? He conceived that their Lordships, as well as juries, were perfectly qualified to dismiss from their minds every thing that passed in a preliminary inquiry.

The Marquis of Lansdowne and Lord Holland spoke in favour of the petition; Lord Redesdale and the Marquis of Buckingham against it. The proposition was finally negatived without a division.

This question being decided, nothing was left to delay the grand and long-pending step—the introduction of the bill of Pains and Penalties. Lord Liverpool immediately rose and proposed it. After the most deliberate consideration, he could discover no other course in which he could move. Impeachment was, by the



highest legal authorities, considered inapplicable. Its adoption would certainly have hazarded the loss of the measure from the mere wrong course pursued. From the judicial habits of this House, and from the analogy of the present to a divorce case, the House of Peers appeared the proper quarter in which any proceedings should commence. Ministers wished, as far as possible, to avoid prejudicing the case of the accused party. He was, however, free to say, that the bill on their Lordships' table, founded on the allegations contained in the report, did tend to create some degree of prejudice. He was ready to admit that fact—it was an unavoidable consequence; for there was nothing in the form of justice, though it went to protect an individual who was accused, that did not tend to excite some prejudice. Even where a person was taken into custody, and brought before a magistrate on oath, though the administration of the oath was meant to assist the individual accused, still it went, to a certain extent, to raise a prejudice against him. It was a circumstance that arose out of the very nature of justice itself. He would now state to their Lordships what the nature of the bill was. It was a bill of pains and penalties; and its preamble would point out with as much particularity as was ever displayed in any criminal case, and as much as the nature of the circumstances required, the offences charged against the accused party. It had been endeavoured to frame the bill in a manner that should not bear more severely on the illustrious personage accused, than the safety of the state and the ends of substantial justice required. With respect to any question relative to a provision for the illustrious personage, their Lordships must be aware that it could not originate in that House. As to the more immediate proceedings,

he wished a copy of the bill to be forwarded in the most respectful manner to each of the illustrious individuals concerned. He would wish to delay the second reading for a few days, and would be disposed to fix on that day fortnight as a proper and reasonable time. It was most satisfactory to reflect, that the country had no precedents of a case similar to the present, during a period of 200 years, except in the instance of one individual, who never came over to this country. There had not been a Queen in this country during that time, against whom even a whisper of shame had been raised to affect her character or sully her reputation. There was no longer an opportunity of avoiding the shame and scandal of this investigation, whatever its result might be. Nothing now remained for their Lordships to do but to pursue a clear and straight-forward course—to perform then duty boldly—determined, whatever public clamours might exist, to take care that public justice was satisfied.

The Clerk then read the bill.

“A Bill entitled an Act to deprive her Majesty, Caroline Amelia Elizabeth, of the Title, Prerogatives, Rights, Privileges, and Exemptions, of Queen Consort of this Realm, and to dissolve the Marriage between his Majesty and the said Caroline Amelia Elizabeth.

“Whereas, in the year 1814, her Majesty, Caroline Amelia Elizabeth, then Princess of Wales, and now Queen Consort of this realm, being at Milan, in Italy, engaged in her service, in a menial situation, one Bartolomo Pergami, otherwise Bartolomo Bergami, a foreigner of low station, who had before served in a similar capacity :

“And whereas, after the said Bartolomo Pergami, otherwise Bartolomo Bergami, had so entered the service of

her Royal Highness the said Princess of Wales, a most unbecoming and degrading intimacy commenced between her said Royal Highness and the said Bartolomo Pergami, otherwise Bartolomo Bergami.

"And her said Royal Highness not only advanced the said Bartolomo Pergami, otherwise Bartolomo Bergami, to a high situation in her Royal Highness's household, and received into her service many of his near relations, some of them in inferior, and others in high and confidential situations, about her Royal Highness's person, but bestowed upon him other great and extraordinary marks of favour and distinction, obtained for him orders of knighthood and titles of honour, and conferred upon him a pretended order of knighthood, which her Royal Highness had taken upon herself to constitute, without any just or lawful authority:

"And whereas also her said Royal Highness, whilst the said Bartolomo Pergami, otherwise Bartolomo Bergami, was in her said service, further unmindful of her exalted rank and station, and of her duty to your Majesty, and wholly regardless of her own honour and character, conducted herself towards the said Bartolomo Pergami, otherwise Bartolomo Bergami, and in other respects, both in public and private, in the various places and countries which her Royal Highness visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse with the said Bartolomo Pergami, otherwise Bartolomo Bergami, which continued for a long period of time during her Royal Highness's residence abroad; by which conduct of her said Royal Highness, great scandal and dishonour have been brought upon your Majesty's family and this kingdom. Therefore, to manifest our deep sense of such

scandalous, disgraceful, and vicious conduct, on the part of her said Majesty, by which she has violated the duty which she owed to your Majesty, and has rendered herself unworthy of the exalted rank and station of Queen Consort of this realm; and to evince our just regard for the dignity of the Crown, and the honour of this nation, we, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in Parliament assembled, do humbly entreat your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that her said Majesty, Caroline Amelia Elizabeth, from and after the passing of this Act, shall be, and is hereby deprived of the title of Queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as Queen Consort of this realm; and that her said Majesty shall, from and after the passing of this act, for ever be disabled and rendered incapable of using, exercising, and enjoying the same, or any of them; and moreover, that the marriage between his Majesty and the said Caroline Amelia Elizabeth, be, and the same is, hereby from henceforth for ever wholly dissolved, annulled, and made void, to all intents, constructions, and purposes whatsoever."

Earl Grey immediately rose and objected, that, though it was generally stated that her Majesty indulged in vices of a low description, yet no particular act was set forth, nor any precise period of time specified, so as to enable her to repel the general charge. He hoped the noble Earl would answer these two questions — first, whether any more particular spe-

cification, of the offences stated by the committee would be laid before House? and, next, whether it was intended to give to her Majesty a list of the witnesses by whom she was accused?

The Earl of Liverpool said, that these points would more properly come under discussion at a future period; but he must observe, in the first place, that the communication in the preamble of the bill was as particular as could be found in any bill of the same nature, and was, he thought, quite sufficient for the purpose. With regard to the question respecting the delivery of the names of witnesses, he believed such a course to be wholly unprecedented in parliamentary proceeding, whether it were connected with bills of pains and penalties, or with any other legislative measure; and, as their Lordships must know, it was a course not at all pursued in judicial proceedings, except in cases of high treason. He would, however, state, that there was a claim to which her Majesty was entitled in this instance; not that a list of witnesses should be made out for her, but that, when the case for the prosecution had closed, and the allegations were to be disproved at the bar of that House, then any time which her Majesty might think proper should be afforded to enable her to rebut the evidence adduced against her.

Earl Grey, however, insisted, that the Queen would still suffer great disadvantage from not knowing the charges advanced against her, and the evidence in support of them. He also inquired if any counsel was to appear for the prosecution; to which Lord Liverpool replied, that the Attorney-General would receive instructions from the House to that effect. Earl Grey demanded, if any instance was ever known in which the House

had directed counsel to support a measure devised by itself. Lord Liverpool replied, that it was common, where parties were not in a situation to institute proceedings themselves, for the House to appoint counsel to assist them; and instanced the Berkeley Peerage. Lord Grey, however, insisted, that this was very different from the House appointing counsel to support a measure originated by itself. The Chancellor observed, that the House had a right, when they chose, to order the Attorney-General to attend to give his assistance. Still Lord Holland thought the present was a strange measure.

The Queen, on learning the formidable proceeding thus opened against her, was not likely to remain long inactive. On the following day, Lord Dacre presented a petition in these terms:—

“CAROLINE REGINA.

“The Queen has heard, with inexpressible astonishment, that a bill, conveying charges, and intended to degrade her and to dissolve her marriage with the King, has been brought by the first minister of the King into the House of Lords, where her Majesty has no counsel or other officer to assert her rights. The only alleged foundation for the bill is the report of a secret committee, proceeding solely on papers submitted to them, and before whom no single witness was examined. The Queen has been further informed, that her counsel last night were refused a hearing at the bar of the House of Lords, at that stage of the proceeding when it was most material that they should be heard, and that a list of the witnesses, whose names are known to her accusers, is to be refused to her. Under such circumstances, the Queen doubts whether any other course is left to her, but to protest in the most

solemn manner against the whole of the proceeding ; but she is anxious to make one more effort to obtain justice, and therefore desires that her counsel may be admitted to state her claims at the bar of the House of Lords."

The Chancellor, though he did not absolutely object to hearing counsel, conceived that it could be done only under certain limitations ; and Lord Liverpool observed, that if they meant to argue that the preamble of the bill was not sufficiently detailed, that would be an intelligible ground ; if they meant to contend that a list of witnesses ought to be furnished to her Majesty, that would be an intelligible ground ; if they meant to propose to expedite the proceedings, or to delay them, all these would be intelligible grounds ; but he could not consent to their being called in without some limitation.

Mr Brougham and Mr Denman were then called in, and asked upon what points they meant to address the House. Mr Brougham made a long enumeration, including almost every point and particular of the measure which had been introduced before their Lordships.

The Chancellor conceived it quite impossible, that counsel should be allowed to go on in the way proposed. Their arguments, he conceived, should be limited to the mode of proceeding of the bill, and the time of such proceeding. Lords Grey and Holland urged, that no counsel ought to be heard against the mode of proceeding by bill at all. This motion, however, was overruled ; and counsel being called in, were instructed to argue only under the limitations above stated.

Mr Brougham now represented the extreme difficulty he felt in pleading under limitations so positive, and yet

so difficult to understand. Being allowed to object neither to the proceeding by bill, nor to the present bill, no subject of discussion was left, except the time of proceeding. Even upon that plea, however, if he could satisfy their Lordships that the nature and tendency of the present bill was such as suspended absolute destruction over the head of her Majesty ; if he could succeed in the argument which he had urged, partly from the indulgence, extended to him by their Lordships, and partly in the delivery of the strong, impetuous, and even clamorous desire of her Majesty to have the accusations, now brought, proved against her, if either their Lordships, or the Attorney-general, or any other of the King's counsel, could prove them ; then he trusted that he should have made out a case, even in confining himself strictly to the question, which would induce their Lordships to throw out the present bill now upon its first time of reading. He felt himself bound to state, that a report had reached her Majesty, that she was to be dealt with as if she was the lowest, and not the highest subject in the realm. In opposition to that argument he would say, " God grant that she were in the same situation with the lowest subject in the realm !" If she had been the meanest, instead of the most exalted personage in the country, she would have had no proceeding served upon her, such as he held a copy of in his hand ; she would, on the contrary, have been fenced round by the triple fence whereby the law of England guards the life and honour of the poorest female. There must have been a sentence of the Consistory Court—there must have been the verdict of a jury, taken from the same rank of life with herself, who would have sympathised with her feelings, and not one of whose members would

have had an interest in oppressing her. She would have been tried by twelve honest, impartial, and disinterested Englishmen, at whose doors the influence which would act upon her present judges might flagitate for years, before it would make the slightest impression either upon the hopes or the fears which it was calculated to excite. She had, therefore, good cause to lament that she was not the lowest subject of his Majesty; and he could assure their Lordships that she would willingly sacrifice every thing, except her honour, which was dearer to her than her life, to obtain the poorest cottage which had ever sheltered an Englishwoman from injustice. In order that their Lordships might not be placed in the most anomalous situation, it would be necessary fully to ascertain, that no impeachment could be, and that no indictment could be raised for, the offence; points upon which his own views were diametrically opposite to the conclusion to which their Lordships had come. It was founded chiefly on the alleged acts having been committed abroad; but, were they sure that some of them might not have taken place at Gibraltar, Malta, or on board a British vessel? (Here the learned counsel was stopped by the Chancellor, as overstepping the limits prescribed.) Mr Brougham, being obliged to return to the question of time, declared, that her Majesty desired no delay; she was not only desirous that the proceedings now instituted against her should meet with no obstacle on her part to a speedy investigation, but was even desirous that the proceedings, after they had once commenced, should continue *de die in diem*. Could there be a more crying injustice towards her Majesty than to go on with the accusations which had been preferred against her, to hear part of

them supported by evidence; then to discontinue the examination of them, in order to allow that evidence to be collected, sorted, and patched up, so as to tally even with those parts of it which made most materially in her Majesty's favour? The first demand, therefore, which he had to make of their Lordships, was an immediate, the next was a continued proceeding. The learned counsel finally undertook to prove, that it was impossible ministers could believe the Queen guilty of the charges advanced against her, otherwise they never would have consented that her Majesty should remain abroad unmolested, without any measure of degradation or divorce, exposing the dignity and honour of the Crown, and the morals of the country where she resided—the first to be lowered, and the last to be contaminated. The situation of the Queen was hard indeed. Before any step had been taken against her—before her title had been disputed—before even men's minds were made up that any thing should be done, various measures had been adopted to stigmatize and degrade her. If those who hitherto had prosecuted this business were indeed aware of the full weight of the evidence—if they relied upon it—if they knew that it must in the end lead to a conviction of enormous guilt, they still had happily contrived that the bitterest stigma, the basest degradation, should precede even that conviction. Her Majesty came before their Lordships as the highest branch of the legislature, the supreme court of judicature; she claimed protection from those who were now trying her by bill, and who hereafter might be called upon to try her by impeachment—who were now legislating, when they might at some future period be required to sit in judgment: but, whether acting in the one capacity or

in the other, with the confidence of injured innocence, she flung herself upon the House, and trusted that no mixture of party—no presence of interested persons—no adventitious influence exercised out of doors—no supposed want of sympathy with the feelings of the country—no alleged, though falsely alleged, tendency on the part of their Lordships to truckle to royal favour, would stand between the Queen and justice, or prevent her case from receiving a fair, impartial, and an unprejudiced decision.

Mr Denman, following on the same side, argued still more strongly, that the case should be proceeded in without delay. However imperfect her means of defence—however deprived of the instruments to repel so deadly an attack upon her honour, the Queen was anxious to meet her accusers face to face—if possible, at this very instant, but, at furthest, after the lapse of only twenty-four hours. Speaking as a British subject, it did not appear to him possible that a Committee of the House could have decided without the examination of a single witness, or without seeing a single person, from whose conduct and deportment it could judge of the truth or falsehood of the fearful accusations. A grand jury was composed of persons unconnected with the parties; the witnesses were examined in open court, and the proceeding followed immediately. On a charge of high treason, the prosecutor and the accused were by law entitled to delay; but this case was different; and the royal lady for whom he appeared demanded immediate inquiry, and called upon her accusers to prove their case, that she might have an opportunity of vindicating her slandered fame, and covering them with shame and ignominy. Was it too much to ask that one moment's needless delay should not occur, that the Queen

might know her accusers, see the witnesses, prove their infamy, and establish her own purity? As to the mode of proceeding, it was her Majesty's pleasure that her counsel should argue, as indispensable, that she should be furnished with a list of the witnesses against her—it was, in fact, so obviously necessary, that he could conceive nothing more alarming, than that any one who might sit in judgment upon her should for one instant doubt its propriety. Since the time of Henry VIII. no instance had occurred of Parliamentary proceeding in a case of this nature. Bills of attainder, and of pains and penalties, were only to be justified by a state necessity, which could not be urged in the present case, when there was no hazard of a spurious issue, and when six years of misconduct had been allowed to pass, without trial, complaint, or remonstrance. The Queen demanded, that the trial should be conducted on the same principles as in the courts below—she demanded a fair and open trial, and the fullest investigation; nor did she feel any dismay at the scores, and even hundreds of witnesses, who were to be summoned against her.

When the counsel had finished, the Earl of Liverpool observed, that some interval must be necessary for making the proper arrangements, for securing a full attendance, and the presence of the learned judges. A fortnight had usually intervened between the first and second reading of a bill. He would propose on Monday, (this being Thursday,) to state the order of proceeding, and the time for the second reading. Lords Holland, Lansdowne, Carnarvon, and Grey, urged, that ministers, having been so long employed in collecting evidence, and doubtless in considering the mode of procedure, could not now stand in need of four days to deliberate on the

subject. Although it might not be possible, according to the Queen's request, to begin the trial in twenty-four hours, yet no longer period ought to elapse before the mode of conducting it should be distinctly laid down. A division took place on this question, when the motion of Lord Liverpool was carried by a majority of 56 to 19.

On Monday, 10th July, accordingly, the Earl of Liverpool proceeded to state his views with regard to the course of proceeding. He particularly dwelt on the importance of securing an attendance of the judges. It was impossible, however, without materially interfering with the administration of justice, to procure, within any tolerable period, the attendance of the whole twelve; nor did this appear to be necessary. The earliest time, however, when it would be possible to command the attendance even of four, was the 17th of August; and he proposed to fix for that day the second reading of the bill. Notwithstanding the inconvenience of the period, he trusted that the extreme importance of the case would secure a full attendance of their Lordships.

Earl Grey did not, in the present state of his information, mean to oppose the motion, but he was anxious that something should be done to prevent the interruption of the proceedings after they had begun, and to avoid the necessity of allowing time for the preparation of the defence. This, he thought, might be accomplished, by communicating to her Majesty a copy of the charges, and a list of the witnesses against her, which he considered nothing more than what strict justice required. Unless such an arrangement could be made, he saw no necessity for delaying till the 17th of August, as the

attendance of four judges could surely be procured at an earlier period.

The Earl of Liverpool assured the noble lord, that it was impossible to procure the attendance of the judges sooner, consistently with a due regard to the administration of justice. As to the charges, he conceived that they were already sufficiently made known. They were as fully detailed in this bill as ever they had been in any other of the kind. With regard to the other and more important point—the communication of the names of the witnesses—he had already given it his most serious consideration, and he was perfectly satisfied that no claim whatever could in justice be made to such a communication.

Lord Holland conceived that the proceedings against Lord Treasurer Middlesex in 1623, afforded a precedent for laying a full statement of the charges, and of the evidence by which they were to be supported, both before the accused party and the House. This precedent was supported by the practice in Courts of law. Where informations were taken before a magistrate, the depositions were generally given in the presence of the party accused; but whether they were sworn in the presence of the person accused or not, when the case came before the court for trial, they were communicated to the judge. They were produced for the purpose of giving the judge an opportunity to ascertain the credibility of witnesses, by checking the evidence sworn at the bar with that which had previously been given before the magistrate. It had been usual for committees to give much more particular information as to the contents of papers referred to them, than had been done on the present occasion. He conceived that the accused party was fully entitled either to a list of the witnesses, or to a pre-

cise and particular statement of the evidence.

The Earl of Liverpool thought it would be better to make a distinct motion on the subject, than thus to introduce it incidentally. The noble lord candidly admitted, that the application of his case was doubtful. There were many later instances, particularly that of the Bishop of Rochester, in which copies of the depositions had been peremptorily refused. Their Lordships would see that their judgment was not to be founded either on the depositions, or on the report. They all agreed that it would be improper if the House were asked to declare an opinion on these documents; and it had been stated all along that the case was to be proved by oral testimony at their Lordships' bar, subject to the examination, cross-examination, and re-examination, to which oral testimony was always liable. He admitted the advantage of proceeding with celerity, after the business had commenced; at the same time, if a previous list of the witnesses, or else a period of delay between the accusation and the defence, were demanded, he would decidedly prefer granting the latter.

Lord Ellenborough expressed the same opinion, while, after some explanation from Lord Holland, Lord Erskine strongly urged the Queen's right to an immediate communication of a list of witnesses. This was opposed by the Lord Chancellor, who said, he should be glad to know whether his noble and learned friend could state an instance, except in the case of high treason, where, according to the principles either of law or justice, a list of witnesses was given to the accused party preparatory to trial.

The motion was then carried, and a strict call of the House ordered for the 17th of August.

VOL. XIII. PART I.

The Queen, who was always ready to act with promptitude, did not fail to press the claim now advanced in her favour. On the following day (11th July,) Lord Auckland presented the following petition:—

“*To the Lords Spiritual, &c.*”

“The Queen having received information from the House of Lords, that the second reading of a bill for the degradation and divorce of her Majesty, is fixed for the 17th of August next, and deeming it essential to her defence that she should be furnished with a list of the witnesses intended to be examined against her, desires that such list should be forthwith delivered to her Majesty's Attorney-General.”

Lord Lauderdale now moved the appointment of a Committee to search for precedents, with respect not only to the giving of lists in analogous cases, but to the whole proceedings. Lord Liverpool being of opinion, that the object of the search should be precisely pointed out, moved, as an amendment, That the inquiry should be, whether it had been customary to grant lists of witnesses in cases of bills of pains and penalties, and of impeachment. Lord Holland urged that a full view of the whole proceedings, however voluminous, was indispensable; otherwise it was impossible to see the principle upon which the House had formerly acted. The House divided, when Lord Bathurst's amendment was carried by a majority of 18 to 10.

On the 14th of July, the Earl of Shaftesbury brought up the report of the Committee. It stated that the Committee had examined the precedents, from the earliest period down to the latest date on the journals, of bills of attainder, bills of pains and penalties, and of impeachments, and



they had found two cases only bearing at all on the subject under their consideration. Those were the cases of Sir John Bennet in 1621, and the Earl of Strafford in 1640, both being cases of impeachment. Of these two cases the Committee thought it necessary to state the particulars. 1st, With regard to Sir John Bennet's case, the 5th resolution states, in answer to his request, that he might have liberty to examine the witnesses brought against him, and have a list of their names, it was resolved that he should have leave at the hearing to cross-examine the witnesses, and that the names should be delivered to him also at the hearing. 2dly, In the Earl of Stafford's case, it appeared that no answer was given to that part of his application which related to the names of the witnesses.

Lord Erskine rose to support strongly the motion he had formerly announced, for allowing the Queen a list of witnesses. This appeared to him absolutely imperative on their Lordships. The bill carried back the charge to a period so long ago as the year 1814. It stated that her Majesty, being then at Milan, engaged in her service, in a menial situation, a foreigner, who had before served in a similar capacity. It afterwards went on to state, that her Majesty, unmindful of her exalted rank and duty, conducted herself towards the said foreigner, both in public and in private, in the various places and countries which she visited, with indecent and offensive familiarity and freedom, and carried on a licentious, disgraceful, and adulterous intercourse, which "continued for a long period of time." Thus the crime here charged was not laid on any particular day, nor stated to have been committed in any particular place, but to have occurred during a period of six long years, and

istant,

none of which are, however, specified in this bill. The illustrious person against whom this bill was now directed, stood in need of the same guards with which persons accused of High Treason are surrounded, to secure them against the weight of power and influence, with which they have to contend. Those accused of treason were, by the statute of William III., to have a copy of the indictment, stating the different overt acts with all that precision which is the glory of the law of England. He was also to have a list of witnesses, the use of which was, that the accused might know every thing relating to them—might be able to estimate what weight their character gave to their testimony—and might be in possession of all those circumstances which might go to invalidate their evidence? There were few indictments for high treason that had all the ministers of the Crown as accusers, and none where the judges were like those before whom her Majesty was to be tried. He knew that this statute had been grumbled at; but he also knew that it had stood for a century. In this opinion he could have no bias. He stood in a relation to the King which few of their Lordships did. He had known him for many years, and had passed the best part of his life in his friendship; but he repeated, that he would allow no personal consideration to influence him on the present occasion. The noble lord then pointed out the advantages which those accused of adultery possessed, by the previous proceedings in the Ecclesiastical Court. Besides, delay would be necessary to prepare her defence after the evidence for the prosecution was heard, if she was not in the first place put in possession of the advantage which he now claimed for her; and let their Lordships consider what would be the consequences of that delay on the

public mind, from that uncontradicted testimony hanging over her. In ordinary cases, jurors, during such an interval, were either locked up, or brought under a promise not to converse with strangers. Were their Lordships to be locked up, then, till her Majesty could prepare for her defence, or to be prevented from speaking on the evidence which they had heard? However determined their Lordships might be to adhere to the strict principles of justice, they ought to adhere to the established rules of law, and carefully to place themselves above all suspicion. Let her have all the protection which this indulgence would afford, to combat the immense difficulties with which she would have to contend. Let them stand by the maxims of ancient times; let them stand by the principles of the Revolution; let them stand by the statute of William, which had continued for upwards of a century.

The Lord Chancellor could not conceive that, with regard to precedents, their Lordships ought to appeal to times when the accused could not defend themselves by law and fact; neither ought any regard to be paid to whether the party was high or low. No man living could deny, that the giving of a list of witnesses to the accused conferred a great, and, in many cases, a fair advantage, in the examination of evidence. The testimony of witnesses might be crushed to pieces, and entirely destroyed, by a cross-examination, proceeding upon a knowledge of their characters. At the same time, the general adherence to such a system would render the administration of justice in all cases inconvenient, and in some nearly impossible. He had often experienced this in cases of high treason, being obliged to call unnecessary witnesses, and even to divine the na-

ture of the defence; for if, after the evidence for the Crown was heard, the prisoner brought forward a defence, founded on perjury, he could not call a single witness out of the list to contradict it. He did not grumble at this statute. (Here some dissent was expressed by Lord Holland.) The noble, and, if he would allow him to add, learned Lord—for learned he certainly was in the law—had said, that this looked something very like grumbling. The noble and learned Lord had never to endure any part of the trouble, or to undergo the exertions that he had in the execution of this statute, or he would have grumbled still more. He admitted the advantage of assimilating their proceedings as much as possible to those which the wisdom of ages had sanctioned in courts of justice; but was Parliament, on that account, to divest itself of its great functions? He was convinced that a great essential constitutional principle would be sacrificed, if the petition of the Queen were complied with.

The Marquis of Lansdowne supported at great length the motion of Lord Eokine. His original impression had been greatly strengthened by one of the most convincing, calm, and dispassionate speeches he had ever heard. The noble Lord had manfully and rightly stated, that the House on this question was not about to follow, but to create a precedent; and, in fact, to make a new law applicable to cases of this magnitude. Was it not rather too much for those who had induced the House to abandon all precedent, and to violate all analogy—who had prevailed upon it to put to sea on this perilous voyage of discovery, without compass or landmark, now to contend in favour of that very course which they had themselves deserted? All great constitutional writers had considered bills

of pains and penalties as irregular acts, justifiable only by extreme necessity. Blackstone described them as "subject to no law, and referable to no law." No law-writer has attempted to lay down rules for their conduct. It would be just as rational for an astronomer to decide the path of every comet visiting our system, as for a lawyer to define the rules applicable to bills of pains and penalties. Although, by the statute of William, the furnishing a list of witnesses was compulsory only in cases of high treason, yet by sufferance, upon every indictment a list of witnesses was indorsed. In the exercise of a sound discretion, (itself constituting one of the few merits and advantages of the proceeding now adopted), the House might give to the accused party all the benefits derivable from the act of King William; but, at the same time, reserve to itself the power of calling new witnesses, where they were necessary, and not wantonly obtruded for the purpose of creating delay. The granting the present request would at once prevent delay, and avoid any suspicion of unfair dealing towards her Majesty.

The Earl of Liverpool was of opinion, that, though precedents ought not to govern this case, yet they formed matter of consideration, and were therefore proper to be inquired into. He would not wish to disturb a practice so long established, as that of furnishing to the accused a list of witnesses in cases of high treason; at the same time, he could not be insensible, that it was subject to many inconveniences. By this law, which entitled the accused to a list of the witnesses for the crown, while the crown could not obtain a list of those for the accused, a great advantage was given to the latter; and therefore, whatever perjury the defendant might bring forward in his exculpation, it

was impossible for the crown to prove the falsehood of his witnesses. It might give the accused the means of preparing a false defence, and it also gave him the power of acting by intimidation. Thus, instead of forwarding it, waylaid justice; and might prevent witnesses from coming forward to prove the charges alleged against the accused. If their Lordships were to consider that the hand of power was raised against the accused, they should also guard against the possibility of public clamour operating prejudicially against the accused. It was only a very small number of witnesses that were named on the back of an indictment. If a list was to be delivered at all, it must be a full list; for, if not full and complete, it might deceive the party accused, instead of being an advantage. That a full list could not be granted in this case was so evident, that no noble Lord had attempted to support such a proposition. It would, in every case, be impossible to tie up their Lordships from calling new witnesses, and even from bringing forward new charges if they were so inclined. The accused might then demand time to meet these new witnesses and charges, and thus the object of obviating delay would in no degree be attained. No inconvenience, in short, would be obviated by agreeing to the present proposal.

Lord Holland argued at great length in support of the motion; he particularly urged, that an incomplete list of witnesses was still better than none. As they were sitting there on a most anomalous proceeding in criminal equity, they ought to give the illustrious party accused every privilege. Would the noble Lord say that there was one case in a hundred—nay, would he say that there was one in ten thousand—in which the person arraigned came to the bar with so little

knowledge (he would not say *de jure*, but *de facto*,) of the witnesses and the charges against them, as the illustrious personage now accused would come before their Lordships? His Lordship also argued how unsuitable it was to the dignity of the House, that the Commons should examine the case with greater advantages than they enjoyed. Her Majesty would have the opportunity of cross-examining every witness—a privilege which had been described as of inestimable advantage by a noble and learned Lord, the ornament of the English bar, who had formerly exercised it so ably. What, then, would follow? That the case on which the House of Commons would have to decide, would not be the same with that on which their Lordships would decide; it would be infinitely more favourable to her Majesty. He therefore implored their Lordships, as they regarded their interests and their character, to give the accused as good an opportunity for making a satisfactory defence before them as she would possess when she came before the House of Commons.

Lord Ellenborough and Lord Lauderdale spoke against the motion; the Marquis of Bute, Lord Belhaven, and the Earl of Carnarvon, in its favour. After a short reply from Lord Erskine, the House divided, and the motion was negatived by a majority of 78 to 28.

Disappointed in the application for a list of witnesses, the Queen, a few days after, presented, through the medium of Lord Erskine, a petition for another communication, which might in some degree compensate the want of it. The petition was as follows:

“To the Lords Spiritual, &c.

“The Queen laments that the House of Lords have deemed it proper to refuse her application for a list

of the witnesses to be examined in support of the bill of degradation and dissolution of marriage; thus leaving her Majesty and her legal advisers in total ignorance as to the time or place to which the charges may relate, or the persons by whose testimony the allegations in the bill are intended to be supported.

“Her Majesty now submits to the House of Lords, that a specification of the place or places in which the criminal acts are charged to have been committed, should forthwith be furnished to her Majesty’s Attorney-General; for, if this be denied, it will be impossible to be prepared to meet the accusation, or to take preliminary measures for providing defensive evidence against the charges, without bringing from every place her Majesty has visited during the last six years, every witness who had any means of observing her Majesty’s conduct.

“Her Majesty further desires to be heard by her counsel and agent at your Lordships’ bar, in support of this her request.”

Lord Erskine, in supporting this petition, stated that he did not make any complaint now of what had been formerly refused. He had blotted out of his mind the motion formerly made, and brought this forward as an entirely new proceeding. He was convinced that without it justice could not be fully administered. The Queen could not have an opportunity of seeing the witnesses face to face, and of confronting them with others by whom they might be contradicted; there could not be a full cross-examination. At all events, a long adjournment would be necessary pending the proceedings, and what an effect would this have on the public mind! Their Lordships’ dignity would not protect them against censure, if they were not most cautious and cir-

cumspect during the progress of this important proceeding.

The Lord Chancellor declared that this was a motion which he could never have expected. He should have been extremely glad if the learned Lord, instead of dealing in general assertion, would have shewn in what instance, during the course of his professional life, he recollected an application of this nature to have been made. Parliament had refused a list of witnesses; a measure in which they were borne out by the whole tenor of Parliamentary history. The common law required that in the indictment for high treason a place should be named, because that was necessary to give jurisdiction to the court; but that statement was not made in a very minute manner: the indictment set forth, that at such and such times, both before and after the day mentioned, and at such and such places, the act of treason was committed. But it was quite a novelty to require an indictment to state all the other acts, and the places where they had occurred. When his learned friend called for this specification, it appeared to him that his reasoning was palpably wrong, unsupported by any principle, and unsanctioned by any precedent.

Lord Holland, however unfit to contend with the learned Lord on legal subjects, saw many of his positions which appeared to him highly objectionable. The Bill of Pains and Penalties on their Lordships' table was not, in its shape, frame, or circumstances, by any means so precise as an indictment; and therefore, when the learned Lord said, that no such application was made in cases of indictment, he would answer that no such application was necessary, because the indictment on the face of it stated many circumstances that were not to be found in the bill be-

fore their Lordships. Did the noble Lord, or could he point out any bill in that house, in the course of which the person accused had not, either *de facto* or *de jure*, a clear specification of what was alleged against him in that bill? It was not for the House to consider what would be advantageous to this or that party, but what would be conformable to the principles of substantial justice. In the case of Bishop Atterbury, it appeared to him that, besides a voluminous report made by a secret committee, the bill contained a much more full and precise specification of the charges than was now given. If the specification were refused to her Majesty, it would be the means of putting the country to an enormous and almost indefinite expense; for, unless she knew the specific places in which the charges had been made against her, she would be obliged to place at their Lordships' bar a motley assemblage of witnesses, drawn from every quarter of the world that she had visited during the last six years. In point of consistency, convenience, and analogy, he thought it would be much better to furnish the person accused with a clear specification, such as the petition called for, than at a future time to grant a long period to enable her to prepare for her defence.

Lord Liverpool was of opinion, that the charge was as specific as the nature of the subject would allow. He agreed that the generality of it formed a reason for shewing the utmost indulgence towards the accused; but he begged to remind their Lordships, that in ordinary cases an accused party had no such advantage as was extended in this case, and which consisted of an interval between the accusation and the defence. A greater advantage than this it was difficult to conceive; and the disadvantages, therefore, (if any there

were), under which the Queen might labour, ought to be viewed in comparison with the peculiar advantages which she enjoyed. He believed, on the whole, that the advantages and disadvantages of the plan would balance each other, and that justice would not suffer. In many divorce bills there was no specification of time or place; and though proceedings must have passed in the inferior courts, it was always competent to bring new evidence before their Lordships. Wishing to solve every doubt on the side of indulgence, he yet saw no reason to acquiesce in the new demand made upon that indulgence.

Lord King spoke for, and Earl Bathurst against, the motion. After a short reply from Lord Erskine, the question was carried in the negative by a majority of 37 to 12.

About this time, a pretty strong sensation was excited, by a motion made by Mr Wetherell, an eminent barrister, in the House of Commons, respecting a libel against the Queen, which had appeared in a provincial paper, called *Flyndell's Western Luminary*. In one of its numbers was found the following shameful paragraph:—

“ Shall a woman, who is as notoriously devoted to *Bacchus* as to *Venus*—shall such a woman as would, if found on our pavement, be committed to Bridewell and whipped—be held up in the light of suffering innocence?”

Mr Wetherell observed, nobody would dispute, that pending any criminal or even any civil proceeding in any of the courts of common law, any publication, directly or indirectly, nearly or remotely, tending to obstruct that proceeding, was itself, by the common law of England, a criminal offence. There had been no instance, indeed, in which this ques-

tion had been agitated in the course of an inquiry, on which a bill of attainder, or of pains and penalties, was to be founded; at the same time, he conceived it clear, that the paper in question contained a most flagrant breach of privilege. The learned member then went over all the previous proceedings, in order to prove, that the House must be regularly considered as about to institute an inquiry into the conduct of an individual, whom they had by repeated acts acknowledged, and honoured as Queen. The question now was, whether it was not incumbent on the House, in justice to the delinquent, who was not to be tried by the forms of law, but by a bill of pains and penalties, to couple, in these anomalous cases, that species of protection to the parliamentary delinquent, which was granted by the other courts to all who were tried before them. There had been a most lamentable instance of the House deserting its duty, in the case of Lord Strafford, by allowing him to be run down out of doors. It was not till he had been convicted by clamour, out of the house, that a bill had been introduced to convict him within. It might be said, that this trash in this paper could produce no such serious effect; but still it was to be judged by its intention, and its potentiality to create mischief. If they left her Majesty similarly unprotected, what would become of the purity of that Court—the High Court of Parliament—which, by one of their standing orders, was declared to be the standard of purity to all the other courts in the country? There was another view in which the point might be stated. Nobody could dispute that the publication of such a paragraph as the one in question was a breach of the common law of England; and then, if they did not think it right to institute a new precedent,

they could not—nay, he would say they ought not—to take away from her Majesty the protection of the common law. Mr W. then quoted several instances, in which punishment had been inflicted upon offences of a much more venial nature. Mr Perceval, as Attorney-General, had filed an information against the editor of a paper, for stating the circumstances under which an excise-officer, in the discharge of his duty, had unfortunately killed a man. Mr Justice Heath would not even receive proof, that this statement had done no injury, but held, that its abstract-potentiality to do injury was enough. Was an excise-officer to be protected against such attacks, while the Queen of England was left exposed to them?

Lord Castlereagh observed, that nothing could be more painful to a well-regulated mind, than to observe the extreme length to which the press had gone in discussions on this subject. Instead of presenting the country to the view of foreign nations as a well-organized state, obedient and amenable to the laws, which had been its character in all former times, it had presented it to their view as an angry and disturbed community, most adverse to good order, and remote from civilization. He could assure Mr W. that no man could feel more indignation than he felt at the article in question, and indeed at the general manner in which the whole press of this country had disgraced itself on this question. There could be no doubt that the paragraph to which their attention had been called was a gross libel. This paragraph had not escaped the notice of the Attorney-General, but its appearance was very recent, and, amid the conflict of libels which daily issued from the press, it was impossible to prosecute all. He did not conceive the proceedings before the House to be

in such a state as to call for its interposition here. Nothing could be farther from his intention than to vindicate this publication; yet, before the learned gentleman had called the attention of Parliament to it, it would not have been derogatory from his character for impartiality to have considered, whether there were not other bodies in the state, and other parties in this suit, equally menaced as the illustrious lady on whose behalf he had thought it requisite to bring forward this motion. If he had read any of the ordinary prints of the day, he would have found, not only in one, but in many of them, shameful libels against those who were to be the judges, and those who were to bear evidence in this investigation. The House would allow that it would not only be fatal to the interests of justice, but also to those of morality, if witnesses were not placed under the protection and safeguard of the law. The honourable and learned gentleman would not deny this; and yet, if he could see the witnesses who had arrived in this country run down by libels, and brought into danger of their lives by tumultuous mobs excited by those libels, without complaining of those outrages as tending to pervert the course of justice, he must look at them with a very different eye from that with which he (Lord Castlereagh) contemplated them. If the House were to vindicate their privileges against the license of the journals, they must do it with an even hand. If the hon. member had looked into the prints on the other side, he would have found many passages containing a greater infringement of the privileges of the House, than the one now in question. The last number of the *Examiner* contained the following paragraph:—

“ This is what a true Commons House would have done; but when

that House, for the main part, is composed of venal borough-mongers, grasping placemen, greedy adventurers, and aspiring title-hunters, or the representatives of such worthies,—a body, in short, containing a far greater portion of public criminals than public guardians—what can be expected from it, but—just what we have seen it so readily perform?”

The *Republican*, in his last number, said,—“We have very little hopes that the divorce bill will be rejected in such a Parliament as the present, because we know, and have seen, that they are sufficiently profligate and servile to act against the clearest testimony of innocence and right. Still this will matter nothing; the King and Parliament must wipe off the disgrace which has so long hung about themselves, before they can disgrace the Queen in the public mind. The more she suffers, the more will she be endeared to the nation. There never was in England a monarch more suspected and despised, nor a Parliament more notoriously profligate, than at present. Was it not that they hold the purse-strings of the nation, they would be kicked out of all power in a few hours, and fairly swept out of the country. At present their doom is sealed, and the herald approaching with it.”

From these instances it was evident that the licentiousness of the press was at present truly deplorable, and could not be checked by any proceeding of the confined and partial nature now proposed. Some general and sweeping measure must be resorted to.

Dr Lushington, who, as one of the counsel for the Queen, was supposed to speak her sentiments, stated, that the publication in question had, when first pointed out to him, excited his strongest indignation; but on considering that it was merely an obscure

country paper, he thought it inconsistent with the dignity of the Queen to take any notice of it. When he considered that the *Morning Post* and the *Courier* papers, which generally supported the measures of government, and which were supposed to be, in a certain degree, under its influence, were suffered to go at large with every species of libel in them which could disgrace her Majesty, or injure her cause, it appeared of little consequence to him whether the *Western Luminary* met the punishment it deserved or not. There was a more powerful and extensive influence, by which her Majesty's cause had been prejudiced, and she had been branded as guilty before trial. She had already been treated by the Government as if she had been convicted—she had been deprived by its orders of all the honours due to her rank and sex—she had been disgraced in every way which their ingenuity could invent: they had erased her name from the Liturgy, (*Hear*) whilst her trial was pending, without informing her what were the charges of which she was accused, without telling her who were the persons who took it upon themselves to accuse her, without confronting her with those who were said to be the witnesses of her shame, without giving her an opportunity of refuting their testimony, and without permitting her to speak in her defence. She had been always averse to any restraints upon the press, conceiving that they did generally more evil than good. He proposed, therefore, to leave her case entirely to his Majesty's law officers. Every thing must be completely altered before her Majesty should ever, by his advice, resort for protection to the lower courts, when she ought to be placed under the protection of the highest.

The Attorney-General observed,



that, according to the course of law proceedings, an *ex officio* information could not be filed till November next. There was, therefore, no room as yet to complain of any neglect on his part. During the short period of his filling the situation of Attorney-General, he had acted upon the rule of never instituting a prosecution, except when he was satisfied in his own mind that he should be able to procure a conviction. By this rule he had guided his official conduct, and in every prosecution which he had commenced he had obtained a verdict. Although he strongly disapproved of the libellous publication which had been brought under their notice, he would say, that in point of virulence it would bear no comparison with many other publications, which, under the mask of advocating the Queen's cause, had no other end in view than to procure a revolution in the country. He had himself seen placarded in the public streets bills and papers of the most infamous description, put forth evidently for the direct purpose of influencing the due course of justice, and prejudging the merits of the case. The licentiousness of the press was carried to such an extreme, it went so far beyond all its former limits, that he feared the arm of the law was scarcely strong enough to repress it. It was, however, his duty to make the attempt. If, however, he were to institute a prosecution in every instance in which that proceeding would be justifiable, and would seem to be called for, his whole time would be occupied with the employment.

Mr Tierney and Lord Archibald Hamilton generally concurred in the views of Dr Lushington.

Mr Wetherell defended his conduct, in bringing the matter before the House, and observed, in reply to Lord Castlereagh, that he could not

be expected to animadvert on every libel that might be published. Having obtained the general and unequivocal opinion of the House, that the libel in question merited the severest animadversion, and inferring that it was the intention of the Attorney-General to prosecute it, he was perfectly ready to withdraw his motion.

The motion was then withdrawn.

The interval which now elapsed till the commencement of the trial, was filled by the uninterrupted transmission of addresses to the Queen, from the different towns and corporations of the kingdom, and from all those counties which had any thing of a popular character. In these addresses every species of flattery was protusely lavished upon her; while the whole train of proceedings before the House, and more particularly the Bill of Pains and Penalties, were loaded with execration. To these effusions her Majesty returned answers, which evidently did not emanate from any of her public and respectable advisers, and which were far from exalting her in the eyes of the sober-minded and judicious part, even of her warmest friends. Her wrongs were set forth in the most exaggerated manner, and without any feeling of dignity or propriety; while the political sentiments expressed were calculated to meet the views only of the most violent among the advocates of radical reform. At the meetings above-mentioned, however, the opposition was so faint, and was borne down by such overwhelming majorities, as plainly shewed the continued feeling in her favour among the great mass of the people, including many who were accustomed to support the measures of government. At the same time, the aristocracy, and especially the ladies, still held themselves strictly aloof. The houses of Leinster, of Bedford, and of Hamilton, were in-

deed exceptions; even the females belonging to those great families waited upon the Queen, though it was observed, that their visits were not frequently repeated. With these exceptions, the ladies of the court at Brandenburg-house were confined to those of the Queen's counsel, of Mr Hume, and of one or two more of the most violent among the popular orators. The regular Whig members of both Houses, with whatever zeal they advocated the cause of her Majesty, did not choose, or were not able, to introduce to her any of the female members of their families.

Notwithstanding so marked a reserve on the part of the nobility, the tide of popular feeling continued to run so strong, as to make it still surmised that ministers would even now withdraw the decisive step which they had taken. No measure, however, confirmatory of such an expectation, was ever adopted; and the time soon approached so near, with all the preparations going on uninterrupted, as to make it perfectly evident that the determination on the subject was immutable. In this crisis, her Majesty put forth a letter, addressed to the King, and couched in such terms, as only the most determined and the least wise of her advocates could admire or approve. The conduct of her husband was upbraided in a strain of furious and unmeasured invective, which any feeling of her own dignity would have rendered impossible. The Houses of Parliament were as little spared, and their unfavourable verdict was anticipated, and braved in a manner which by no means bore peculiarly the stamp of conscious innocence. On the first topic, after branding the first investigation before the Privy Council, a tribunal at which perjury was not legally punishable, she adds,

"Great as my indignation naturally must have been at this shameful evasion of law and justice, that indignation was lost in pity for him who could lower his princely plumes to the dust, by giving his countenance and favour to the most conspicuous of those abandoned and notorious perjurers."

She afterwards says,—“The melancholy event which deprived the nation of the active exertions of its virtuous King, bereft me of friend and protector, and of all hope of future tranquillity and safety. To calumniate your innocent wife was now the shortest road to Royal favour; and to betray her, was to lay the sure foundation of boundless riches and titles of honour. Before claims like these, talent, virtue, long services, your own personal friendships, your Royal engagements, promises, and pledges, written as well as verbal, melted into air. Your Cabinet was founded on this basis. You took to your councils men, of whose persons, as well as whose principles, you had invariably expressed the strongest dislike. The interest of the nation, and even your own feelings, in all other respects, were sacrificed to the gratification of your desire to aggravate my sufferings, and ensure my humiliation. You took to your councils and your bosom men whom you hated, whose abandonment of, and whose readiness to sacrifice me were their only merits, and whose power has been exercised in a manner, and has been attended with consequences, worthy of its origin. From this unprincipled and unnatural union have sprung the manifold evils which this nation has now to endure, and which present a mass of misery and of degradation, accompanied with acts of tyranny and cruelty, rather than have seen which inflicted on his industri-

ous, faithful, and brave people, your Royal father would have perished at the head of that people."

The letter concluded—"You have cast upon me every slur to which the female character is liable. Instead of loving, honouring, and cherishing me, agreeably to your solemn vow, you have pursued me with hatred and scorn, and with all the means of destruction. You wrested from me my child, and with her my only comfort and consolation. You sent me sorrowing through the world, and even in my sorrows pursued me with unrelenting persecution. Having left me nothing but my innocence, you would now, by a mockery of justice, deprive me even of the reputation of possessing that. The poisoned bowl and the poniard are means more manly than perjured witnesses and partial tribunals; and they are less cruel, inasmuch as life is less valuable than honour. If my life would have satisfied your Majesty, you should have had it on the sole condition of giving me a place in the same tomb with my child; but, since you would send me dishonoured to the grave, I will resist the attempt with all the means that it shall please God to give me."

On the subject of the two Houses, her Majesty observed,—“Your Majesty’s ministers have advised this prosecution; they are responsible for the advice they give; they are liable to punishment if they fail to make good their charges; and not only are they part of my judges, but it is they who have brought up the bill; and it is too notorious that they have always a majority in the House; so that, without any other, here is ample proof that the House will decide in favour of the bill, and, of course, against me.

“But further, there are reasons for your ministers having a majority

in this case, and which reasons do not apply to common cases. Your Majesty is *the plaintiff*; to you it belongs to appoint and to elevate Peers. Many of the present Peers have been raised to that dignity by yourself, and almost the whole can be, at your will and pleasure, further elevated. The far greater part of the Peers hold, by themselves and their families, offices, pensions, and other emoluments, solely at the will and pleasure of your Majesty, and these, of course, your Majesty can take away whenever you please. There are more than *four-fifths* of the Peers in this situation, and there are many of them who might thus be deprived of the far better part of their incomes.

“If, contrary to all expectation, there should be found, in some Peers, likely to amount to a majority, a disposition to reject the bill, some of these Peers may be ordered away to their ships, regiments, governments, and other duties; and, which is an equally alarming power, new Peers may be created for the purpose, and give their vote in the decision. That your Majesty’s ministers would advise these measures, if found necessary, to render their prosecution successful, there can be very little doubt; seeing that they have hitherto stopped at nothing, however unjust or odious.

“To regard such a body as a *Court of Justice*, would be to calumniate that sacred name; and for me to suppress an expression of my opinion on the subject, would be tacitly to lend myself to my own destruction, as well as to an imposition upon the nation and the world.

“In the House of Commons I can discover no better grounds of security. The power of your Majesty’s ministers is the same in both Houses; and your Majesty is well acquainted

with the fact, that a majority of this House is composed of persons placed in it by the Peers, and by your Majesty's Treasury."

This letter, as was to be expected, obtained no notice, and produced no change of purpose in the quarter to which it was addressed. An extraordinary ferment and agitation accompanied the approach of the long pending and dreaded, but now inevitable inquiry. Notwithstanding the lateness of the season, London was crowded to excess. The attendance on the House of Lords was unexampled. The nobility and dignified clergy, from the remotest extremities of the three kingdoms, many of whom had never been accustomed to attend on legislative deliberations, were summoned by the imperative call of the House. The expectation was increased by the announced intention of the Queen to take her seat in the House of Lords, and listen to its proceedings. No step, we must say, could tend more directly to strengthen every the most unfavourable impression which could have been received from other quarters. The female, who could sit in the midst of four hundred of the other sex, to listen to those things which she must have foreseen would be said, must surely have been encircled with the *as triplex*. The occasion, however, afforded the opportunity for a triumphal display of that popular enthusiasm in her favour, which was now in its zenith. On the morning of the fated day, the whole population of the metropolis was poured forth in one collected mass. In contemplation of this muster, all the streets leading to the House had been secured by strong palisades, as well as guarded by detachments of troops. These precautions were proved not to be superfluous, by the prodigious crowds who

filled every avenue through which the Queen was expected to proceed to the House. At her appearance, and during her progress, the air was rent with peals of acclamation from this vast multitude, which must have reached not only the place of judgment, but another mansion, where they would be still less welcome. No violence or obstruction was, however, experienced, though, at the coming out of the House, which was celebrated by equally loud demonstrations of joy, the populace proved their giddy versatility by insults offered to the Duke of Wellington and the Marquis of Anglesea. These heroes, once the object of such just admiration, were suddenly converted into objects of hatred, by their suspected enmity to the present idol of popular favour.

In the crowded meeting of the Peerage, which now took place, only those were exempted from the call of the House who could plead indisposition—absence from the kingdom—the being above the age of 70—and the being Roman Catholics. The Duke of Sussex obtained indulgence, by pleading the ties of consanguinity which existed between him and the parties. The Duke of York, however, observed, that with stronger claims than perhaps any other individual, he would not suffer any private feelings to deter him from doing his duty. Petitions against the bill were presented from the Common Council, and from the county of Middlesex; but the latter having been signed by Mr Sheriff Parkins, was received only as the petition of that individual.

The Duke of Leinster, in conformity to the determination formerly announced, to oppose the proceeding at every stage, now moved, that the order of the House respecting it be

rescinded. The question was immediately put, when the noble Duke's motion was negatived by 206 to 41.

The Earl of Carnarvon now rose, and stated his reasons for opposing the bill. He conceived that it was one which could only be justified by the most pressing necessity, and that no such necessity existed. Bills of pains and penalties had all the effects of *ex post facto* laws: They were intended to punish those by an indirect method, who could not be convicted by due course of law: They were meant to supply defects of evidence; but he would ever contend that an attempt so to supply a defect of evidence, was opposed to every principle of public justice. The last instance, that of Sir John Fenwick, had been carried finally by a very small majority—only of seven, in the House of Lords. The conduct—the votes, he would say, of the House of Commons—the conduct of ministers themselves, who were the accusers on this occasion, shewed, that so far from any danger being apprehended from keeping this question back, they would willingly embrace any mode by which they could possibly get out of this scrape. No public danger to the succession; or otherwise, could be stated as the ground of this. Her Majesty, in consequence of causes which could only be accounted for by a reference to human infirmity, had been placed in such a state; that even supposing the charges true, it would have been much better not to have made them public. It would have been well, he thought, if ministers had suffered the Alps and the Appenines, the boundaries of distant realms, and the wide extent of seas and oceans, to throw a veil over those events which they had so eagerly brought forward. What they had intended only to disturb the pub-

lic peace—to injure the feelings of the country—to disgust every individual in the empire—and to excite that irritation of mind, which could not exist without endangering the safety of the state. The charge itself appeared to him vague: The conferring distinction on an individual of humble birth, could not, in England especially, be considered as either unprecedented or criminal. Only a distinct and definite proof of criminal intercourse could be received. He conceived, on the whole, that no motive existed of sufficient weight, to justify so extraordinary a proceeding.

Earl Grey felt peculiar pain in delivering his sentiments on this occasion, and in having voted against the motion of his noble friend. He did not conceive, however, that the House could, with any propriety, contradict their former proceedings, without some reason assigned. He must maintain this principle, supported on the ground of Parliamentary law, and bottomed on the constitution of the country, that on all occasions, when a great State necessity; or a matter of great State expediency, existed, Parliament were vested with extraordinary powers; and it became their duty to exercise those extraordinary powers, in order to procure that remedy, commensurate with such State necessity or expediency, which no proceeding in a court of law could afford. He agreed, that no advantage could be derived from the inquiry; and if no measure had been yet proposed to them—if he had been a confidential adviser of the Crown, and consulted as to the expediency or policy of introducing such a bill—in that case all his noble friend had stated would have had great weight, and must have been considered as matter of deep importance. He could not see the consistency of ministers,

in making such ample offers of money and dignity, while they brought forward such charges. This, however, was their concern; he came to do his duty as a Peer of Parliament, unbiassed by any earthly consideration. When his noble friend asked, what State necessity existed for this measure, he would answer, this was the necessity—he was placed with this alternative before him, either to proceed in some way or other to investigate the charges brought against the Queen, or else to consent to raise her to the high dignity, and rank, and pre-eminence, which belonged to that exalted situation, while this imputation rested on her character unheard and unanswered. Before admitting the necessity, however, of the present bill, he would wish to be satisfied by the opinion of the judges, whether there did not exist grounds for laying an indictment for high treason, when the inquiry could be carried on in a more regular manner, and with greater advantages to the individual accused.

The Marquis of Lansdowne took nearly the same view of the subject. The Lord Chancellor and the Earl of Liverpool enforced those which they had formerly stated. The question proposed by Lord Grey was finally put, when the Chief Justice delivered the following opinion:—

“The Judges have conferred together upon the question proposed to them by the House, whether, if a foreigner, owing no allegiance to the Crown of England, violates in a foreign country, the wife of the King’s eldest son, and she consents thereto, she commits high treason, within the meaning of the Act of the 25th Edward III.? And we are of opinion, that such an individual, under such circumstances, *does not* commit high treason, within the meaning of that Act.”

The House having now voted that counsel should be called in, the folding doors behind the bar were thrown open, and Messrs Brougham, Denman, Lushington, Williams, Tindal, and Wild, followed by Mr Vizard, appeared on behalf of her Majesty. A moment after, the Attorney and Solicitor-General, the King’s Advocate, Dr Adam, and Mr Park, entered by the door commonly appropriated to strangers. They were attended by the Solicitor to the Treasury, and by Mr Powell, who attended the Milan commission.

The Duke of Hamilton having demanded by whom the Attorney-General had been instructed to appear, Lord Liverpool replied, that it was in consequence of an order received from the House. He had taken those steps which to him seemed best, for the purpose of obtaining information. He had applied for information to the Secretary of State for the Home Department, and with that, and such other information as had been obtained, he now appeared for the purpose of opening the case.

Mr Brougham rose, and urged that the time was now come, when he ought to be heard against the principle of the bill. He alluded to the case in 1692, of the Duchess of Norfolk, who had been heard on that ground over and over, both at the first and second reading; also to that of Knight and Burkett, in 1692; and of Lord Anglesea, in 1700.

Counsel being removed, the Earl of Liverpool suggested, that the regular course was first to receive the evidence, and then to hear counsel, both upon the principle of the bill, and upon the facts proved. The Chancellor expressed the same opinion; but Lord Lansdowne observing, that if the learned counsel preferred to argue at present on the principle of the bill, it might spare

the painful necessity of going at all into the evidence, the permission to do so was carried without a division.

Mr Brougham, accepting the permission, proceeded to argue against the principle of the bill.<sup>1</sup> He objected, first, that it was a private law, introduced in a particular case for the punishment of an individual. It was a mode of proceeding known unhappily in the jurisprudence of all countries, but never resorted to in any country, nor in the worst of times, without producing a deep sense of its hateful consequences, and its utter repugnance to every sound principle of jurisprudence. Such laws had, in the earliest periods of Roman jurisprudence, been called *privilegia*, but *privilegia odiosa*. They were such, indeed, that governments, not the wisest or the best, had started back at the idea of plunging into such courses. Enactments of this nature, in the age following that in which they had served their temporary purpose, had been almost always rescinded. He would pass over the acts of that barbarous and detested prince, Henry VIII. The case of the Earl of Strafford was sufficient for his purpose. The bill reversing his attainder, branded it with such horror, that all proceedings relative to it were to be cancelled. The present bill, substituting for death deprivation of rank the most illustrious, removal from a station the most exalted, and the loss of privileges the most esteemed amongst women—ay, and what was yet dearer, the ruin of her character and happiness—belonged strictly and technically to that class of enactments, which their lordships' predecessors had thus characterized. The worst of those bills (not excepting even those relating to the wives of Henry VIII.) was, when compared with the present, a regular, consistent, and judicial proceeding. Im-

peachment applied to all cases not cognizable by the ordinary jurisdictions: There could be no reason against impeachment, therefore, except that the evidence was so lame and defective, that no House of Commons could be expected to pass a vote upon it. In impeachment, her Majesty would have had a specification of the charges, and all the advantages of a real judicial proceeding. He would not say that the present measure might not be carried on in the spirit of justice, but in every other respect it was as unlike a just measure, as any to be found recorded in the annals of Parliament. He would ask, where was that impelling and overruling necessity (he did not say motive, for that might be guessed) which alone could prescribe and justify this measure? Was the succession or its purity endangered, or was there even a possibility of its being put in jeopardy? If this question had been brought forward while his illustrious client was only Princess of Wales, divorce could have been obtained only on the ordinary terms, and would consequently have been impossible. Her enemies had waited till the question was not between man and wife, but between King and Queen. On this ground, however, he could not but implore their Lordships to pause. "I put out of view," said Mr Brougham, "at present the question of recrimination; I raised it for the purpose of my argument, and I shall pursue it no further. I should be most deeply, and I may say with perfect truth, unfeignedly afflicted, if, in the progress of this ill-omened question, the necessity were imposed upon me of mentioning it again; and I should act directly in the teeth of the instructions of this illustrious woman—(pointing to the Queen, who sat immediately below him.) I should disobey her solemn commands, if I

again used even the word recrimination, without being driven to it by an absolute and over-ruling compulsion. That argument, and every thing resulting from it, I willingly postpone till the day of necessity; and, in the same way, I dismiss, for the present, all other questions respecting the conduct or connexions of any parties previous to marriage. These I say not one word about; they are dangerous and tremendous questions, the consequences of discussing which, at the present moment, I will not even trust myself to describe. At present, I hold them to be needless to the safety of my client; but when the necessity arrives, an advocate knows but one duty, and, cost what it may, he must discharge it." Was the mere bestowing of favours upon a person, who had been in a menial situation, so fatal to the honour and dignity of the Crown? He appealed to the justice of the House, to the heads of the church ranged before him, if adultery was to be considered a crime only in woman—if the fame of the country was more tarnished by it when proved against a lady, than when confessed by a prince. "It is with the utmost pain that I make this statement: It is wrung from me by hard compulsion; for there is not a man who acknowledges, with a deeper sense of gratitude than I do, all the obligations which this country and Europe owes to that illustrious individual. I say it not—God forbid I should—to visit harshly upon him any of the failings of our common nature, much less to alter in one iota my recorded sense of the baseness of that conspiracy, by which those failings were dragged before the public. I bring it forward, because it is in truth an answer to this case. Why was no bill of degradation brought in in 1809, after the resolution of the House of Commons, and a

full confession on behalf of the party accused, that he had been guilty of 'most immoral and unbecoming conduct?'" Mr B. called upon the other side to produce an instance in which a marriage had been dissolved, without the husband having come forward to complain. Marriage had been justly described by Sir William Scott, as the parent, not the child of civil society—as a religious as well as a civil contract. The Attorney-General would not allow that the King was his client. He made his appearance at the bar, as counsel for nobody. Ministers had acted in such a way as to make it impossible to believe that they credited the preamble to the bill. They had done every thing to forward the Queen's departure out of the country, and to encourage her stay. They had never given her the least hint as to the reports said to be circulated about her conduct—had never said, "Return; this is dangerous—the country suffers—the Crown is dishonoured—the Royal Family degraded, by these calumnious reports." To the last moment she was warned not to come back. She was to be pensioned, largely pensioned, for not coming home. She was to enjoy the rank she had degraded, and the privileges she had forfeited. She was to have an income to enable her to be wicked on a larger scale; all levity, all indiscretion,—even "adulterous intercourse" was to be pardoned on one condition; and that condition was, that she should continue abroad, before the eyes of foreigners who envied and hated us. She was to be the degrading spectacle of the Queen of this country, without one of the virtues that ought to belong to her sex and condition. With these facts before him, he must have a mind capable of swallowing the most monstrous improbabilities,



who could lend himself for one moment to the belief, that ministers gave credit to the preamble of the bill.

Mr Brougham's speech being concluded, Mr Denman obtained permission to delay his address to the House till next day. He expressed strongly his sense of the importance of his office—an office which, in the present hour of trial and of difficulty, he prized far more highly than the proudest favours which royalty could confer in the moment of prosperity. The committee had not acted in any degree as a grand jury; they had merely found that there was room for solemn inquiry, but had not pronounced any opinion upon the facts, nor recommended the proceeding by bill. The charge of a degrading intimacy was one too vague to become the object of legislative or judicial investigation. The familiarity and openness of manners, which was generally graceful and engaging, might appear blameable to persons of a reserved and austere character. Anne Boleyn, whose innocence was generally acknowledged, had been remarked by Hume as having a certain gaiety, and even levity of manner, which exposed her to the malice of her enemies. A remarkable instance of familiarity with persons of low station, occurred when the illustrious party was Prince of Wales, during which period a note was once delivered to him, commencing in this way—"Sam Spriggs, of the Cocoa-tree, sends his compliments to his Royal Highness." The Prince, on afterwards meeting with Mr Spriggs, observed to him, "This may be very well between you and me, Sam, but, for God's sake, do not play these tricks with our high fellows, it would never do with Norfolk or Arundel." The learned Counsel then urged the inconsistency of the charges made by ministers with the proposals which

they had offered. The preamble to the bill appeared to him equally irreconcilable to the alleged facts of the case. He did not wish to treat the subject with levity, yet it appeared to him that they had been rehearsing the School for Scandal—that they had been performing a solemn farce. Had Malvolio really intrigued with his mistress, or had the other servants quarrelled with the steward, and determined to seek revenge? A trial her Majesty had challenged; but she regarded the bill as no trial—as a proceeding calculated only to bewilder and betray, and as to the justice of which the public would have a right to entertain strong suspicions. Mr Denman referred in the same tone as Mr Brougham, to the disgraceful case of Lord Strafford. When he commenced his address, his royal client had not entered the House, and therefore he now, in her presence, once more appealed to their lordships to avert this public mischief—miscalled a trial. Her Majesty was departing from no principle in making this appeal: she still challenged a trial; but a fair trial, she was not satisfied that her accuser should send sealed bags of papers to the most distinguished of her judges, or that the final sentence should be pronounced by himself. Was this a bill of divorce, or was it not; and was divorce ever granted, except when the complaining party was free from blame? Let then Lordships, then, suppose the case of a young and accomplished woman coming to these shores from a foreign country, with prospects of splendour almost unparalleled; that on her arrival, instead of meeting an affectionate husband, she found an alienated mind. That the solemnities of marriage did not prevent his being still surrounded by mistresses, that the birth of a child, instead of affording a pledge of mutual regard, became the signal

of aggravated insult, and was shortly followed by her expulsion from the husband's roof. That, even then, spies were placed over her to report or to fabricate stories of her conduct. If, after all these circumstances, an *ex parte* inquiry took place and terminated in a complete acquittal; and, in consequence of that acquittal, she was restored to society and to the embraces of a father by whom she was never deserted; if, subsequently, she had been induced to go abroad, and the same machinations were renewed against her, in the hope that what had failed in England might succeed in Italy, and the charges, which had before been blown to atoms by argument and ridicule, might at length avail, if not to convict, at least to blacken, to degrade, and to destroy; in a case like this, where the husband has thus shewn himself indifferent to the honour and happiness of his wife—where he has abdicated all those duties which alone gave him the rights of a husband—would their lordships listen for one moment to his case? It appeared, that this question might at some distant period lead to a disputed succession. If his Majesty should again marry, and a child, the fruit of that marriage, be born, there might yet remain in moral and religious minds a doubt as to the validity of that marriage, and whether its offspring had a just title to the crown. Mr Denman then referred, in the same tone as his precursor, to certain proceedings in 1809, relative to an illustrious person, the heir-apparent to the throne. So, with regard to the other Royal Dukes of the same illustrious family, the same objection might perhaps be addressed to them, if their conduct for six whole years were to be examined with a view of detecting scandalous freedoms or adulterous intercourse. If by the in-

troduction of a measure like that before their lordships, one peer could uncrown the Queen, another peer might uncrown the King; and he would say, further, that the public opinion, which, after all, must dispose of crowns, and sceptres, and kingdoms, would receive the same bias with equal facility. It was very remarkable, but their lordships would well remember, that the origin of the French Revolution was marked by calumnies and libels against the French Queen—imputations against that unfortunate woman, which were coupled with slanders and insinuations against all that was pure, and noble, and honourable, in France. Then lordships would recollect that eventful and gloomy period, when the unhallowed hands of desperate men were raised against insulted royalty—a period at which, as had been well observed by an elegant writer (Mr Burke), all the beautiful delicacy of the female character was violated and despised—a period at which that modest sensitiveness, that sacred purity, which impose upon man “all those moral obligations which the heart owns, and which the understanding ratifies, were lost in the licentious profligacy of the day; when it had become a common observation, that “a king was but a man—a queen was but a woman—a woman was but an animal, and that animal not of the highest order.” The greatness of the female character consisted in throwing from it, to an immeasurable distance, that species of impertinence and intrusion which would presume to violate, by unwarranted inquiries, the sanctity of domestic privacy; and upon these grounds alone he might rest his only and general defence, if it were necessary, of the Queen, against a measure intended to exclude from the throne her who ought to adorn it—who came

here with every expectation, with every reasonable hope, of sharing it—and who, it was now attempted to be argued, had forfeited—not forfeited, indeed, but had lost—her just claim to it. The learned Counsel then urged the religious, as well as civil character of marriage, on which he was particularly anxious that Dr Lushington should be heard; he represented the hardship which his illustrious client suffered, in the substitution of a bill of pains and penalties, for a judicial proceeding; he protested in her name against the former measure, and he concluded, & I beg to say, my Lords, that whatever may be enacted—whatever may be done by the exertions of any individual, by the perversion of truth, or through the perjury of witnesses—whatever be the consequences which may follow, and whatever she may suffer—I will, for one, never withdraw from her those sentiments of dutiful homage which I owe to her rank, to her situation, to her superior mind, to her great and royal heart; nor, my Lords, will I ever pay to any one who may usurp her Majesty's station, that respect which belongs alone to her whom the laws of God and man have made the Consort of the King, and the Queen of these kingdoms."

The Attorney-General could not help remarking the extraordinary licence taken by the learned Counsel. Instead of arguing strictly on the principle of the bill, they had gone into statements of facts, which, although they were all introduced into this part of the case as facts, he must contend were not yet founded on the evidence before their lordships; by assumptions, gratuitously made; and by calumnies—(an expression by which he meant not the slightest disrespect to his learned friends, but he must repeat it)—by calumnies, unsupported, at pre-

sent, by any thing but their own assertion. They had been reasoned upon, however, as if certain and indisputable; and the passions and feelings of their lordships had been worked upon accordingly by speeches of the most extraordinary eloquence, the impressions of which he implored them to efface from their minds. The simple dry question before them was, whether the bill was sustainable upon principle. The learned Counsel then stated the grounds on which an impeachment could not lie, and consequently a legislative proceeding was necessary. If he had not known it to be the opinion of others, in whose legal judgment he could confide, that the charge contained in the preamble of this bill did not amount to high treason—an opinion which fortunately was now formally sanctioned by the highest authorities that could be referred to, he would not have presumed to start at their lordships' bar as the advocate of the present course of proceeding. That uncertainty was now removed, and he boldly challenged his learned friends to the argument, and defied them to produce a single case in support of their assertion, that the facts alleged in the preamble of this bill would bear out an impeachment, and that, consequently, an impeachment was the course that ought to have been adopted. The learned Counsel reprobated the manner in which the witnesses had been treated, as suborned, perjured spies, calumniators, and traitors. This was tampering with their lordships' feelings, and treating the subject quite unfairly at a time when they had not heard a single deposition. His learned friends had much abused the liberty they had obtained, of arguing now against the principle of the bill. How should he be arraigned if he so far forgot himself as to expatiate on the

enormities of the charge contained in the preamble of this bill against a person of the high rank of Queen, then indeed a Princess, but niece to the late King of Prussia, and next in rank to the Queen of England? How should he be arraigned by his learned friends, if he in the present stage were to enlarge on the evidence about to be produced? The pain of the task would be great enough, God knew, when the necessity arrived. The present bill was no more an *ex post facto* law, than every divorce bill was. Her Majesty would be deprived of no means of defence as Queen, which she would have enjoyed as Princess of Wales. She courted inquiry; and the present bill afforded the means of as complete and fair inquiry, as either impeachment or any other measure would have done. His mind was in no degree affected by the declamatory topics in which the other side had indulged. He felt that he was addressing a grave assembly, composed of persons of the highest rank, attainments, and honour, in the country; and he knew that on such an occasion appeals to the passions, however they might excite admiration for the advocate at the bar, would ultimately be of no effect. Their lordships were not to be reached, either by entreaty, by hints, or by menaces, to swerve from the straight-forward path of duty. He was aware that this, as it had been called by his learned friend Mr Denman, was a tremendous inquiry: he knew that the peace of the country might be affected by it; but he knew also that clamour would have no effect on their lordships' minds. He was not appalled; he did not fear for the future: he had such confidence in the good sense of the country, that he felt assured, when the facts were before them which had hitherto been concealed, and in ignorance of which their minds had laboured, being a rough

on, they would see the necessity and the propriety of the course that had been resorted to. The question was a momentous one, affecting not only the parties immediately concerned, but the dignity and honour of the country itself. "If innocent, however," continued the learned gentleman, "the party accused need not fear your lordships' judgment. If guilty, I am sure that nothing can be stated which will induce you to swerve from the path of duty; but that, fearless of popular clamour, you will put your hands to your hearts, and decide conscientiously and justly. By your lordships' decision you will satisfy the public, that while the meanest subject in the realm is protected by innocence, the highest subject cannot offend with impunity."

The Solicitor-General equally condemned the course followed by the gentlemen on the other side. Instead of temperately discussing a grave, dry, constitutional question, they had indulged in personal invective, and the most unfounded aspersions. The question appeared to him very simple. By a technical distinction of law, the Queen Consort, committing adultery with a foreigner abroad, could not be brought in as guilty of high treason. Yet, if the Queen Consort was guilty of a crime but one shade removed from the highest crime known to the law—of the deepest dye either in a religious, a moral, or a civil point of view—was a person so regardless of what she owed to the country, to the crown, and to her rank, to sit on the throne by the side of the monarch of these realms? Could he address an assembly of men of honour, stating that such scandalous conduct had taken place, and at the same time affirm that the person who had been guilty of it was worthy to remain upon the throne of England? The pains and penalties attached to

this bill, were no greater than in any common case of divorce; and was the King to have less means of redress than the humblest individual? It appeared to him that there could be no necessity so great as that which called for the present inquiry; the necessity of not allowing such a series of conduct as was here charged to pass with impunity, and the individual so demeaning himself to sit on the throne of these realms. He agreed, indeed, that silence upon this subject could hardly be purchased at so dear a price: but the moment the Queen challenged inquiry, the moment she asserted her innocence, the moment she set her foot in the country, and claimed her rank and privileges as Queen Consort, it became impossible to shun this dreadful proceeding. Bills of pains and penalties had been as old as the constitution, and were essential to it. The case of Stafford was wholly inapplicable; the injustice of it consisted in the Houses having been overawed by violence and clamour out of doors. It had been said, who was the complaining party? True it was, that the King was not here the complaining party, it did not suit his high character and station to come before this court as the complaining party, but, knowing the facts of the case, he pursued the course befitting his dignified and princely capacity, he ordered the papers to be laid before the parliament that it might deal with the case as to its wisdom might seem meet. Thus he became a consenting, though not a complaining party. It had been the misfortune of these proceedings, from the commencement, and through every stage, that collateral topics, calculated to excite prejudice, and to inflame the passions of the multitude—to create distraction in the country, and to shake the very foundations of the monarchy, had been introduced by the profes-

sional and unprofessional advisers of the Queen. In touching on recrimination, his learned friends had introduced a topic, from which their minds must have revolted, and which they could not but know to be inapplicable. They had even advanced the extraordinary proposition, that there was no difference between adultery committed by a man and a woman. But why was this topic introduced? For a most strange and unjustifiable purpose. He should have thought that the common feeling of delicacy and humanity, which he knew pervaded the bosoms of his learned friends, would have compelled abstinence at least on this point. It was an unvarying, because an unnecessary, attack upon an illustrious personage, whose conduct had been twice dragged before the House. His great talents and popularity throughout the country might at all times, but more particularly at the present moment, have shielded him from so cruel and so wanton an assault. Knowing from what quarter it proceeded, it filled him with surprise and amazement. It had been intimated that her Majesty had been encouraged to go abroad, that she might fall a victim to a foul conspiracy. Was this meant as a charge against ministers? Was it possible to suppose that such detestable words could enter into the minds of the best in society, much less into the minds of men refined by education, polished by intercourse with the highest classes, and raised by their talents to the highest functions of the state? He would no longer follow the wandering course of his learned friends, but would only remind the House, that the question before them simply related to the mode of proceeding, and he trusted they would find no reason for altering that which they had deliberately adopted.

Mr Brougham replied at some

length, after which Lord King announced a motion, That it appears to the House that it is not necessary for the public safety, that the bill entitled "An act to deprive her Majesty," &c. should pass into a law.

On the following day this motion was fully debated, being supported by Lord King himself, and at great length by Earl Grey; while the Earl of Liverpool spoke in opposition. The debate was long and animated; but is no topic could now be introduced, which had not already been urged over and over, and an analysis of it would have little interest. There was some novelty, however, in the statement made by Lord Liverpool, relative to the allegation, that the whole object of this bill was, that the illustrious personage filling the throne might be able to get rid of his wife, and marry again. He (Lord Liverpool) declared most solemnly before their Lordships, that he believed that no such feeling had entered into the mind of his Majesty. For himself, and for those who acted with him, he could assure the House, that that provision was a part of the bill to which the least value was attached. Undoubtedly it followed as a corollary to the rest of the measure—it was a fair and ordinary conclusion; but it was the least important part of it, and was very far from being its chief object and intention.

The motion was negatived by a majority of 181 to 65.

Lord Liverpool having moved that counsel be called in, Earl Grey and Lord Cathcart made a last attempt to stop proceedings, by negativing this proposition. It was carried, however, by a majority of 176 to 61.

The Attorney-General now entered, and, at the desire of the Lord Chancellor, proceeded to open the case. This opening speech consisted

almost entirely of a detail of the facts, which counsel were prepared to prove against her Majesty. It composed, therefore, an abstract of the evidence afterwards produced, which evidence having been given at great length in the first article of the Appendix, it would neither be necessary nor consistent with our limits, to introduce it here in a different shape.

The Attorney-General having concluded, immediately introduced his witnesses. The appearance of the first of them, Theodore Majocchi, was followed by a loud scream from the Queen, who, calling out "Theodore!" immediately ran out. This action caused an extraordinary sensation in the House, and when reported; throughout the country, her enemies proclaiming it as the symptom of conscious guilt, and of dreaded detection at the view of one well able to witness it; while her friends described it as a natural agitation at the view of an old and long favourite servant, coming forward to betray her.

The period from the 21st of August to the 7th of September, was now uninterruptedly occupied in the hearing of evidence against the Queen. For this, as already hinted, our readers are referred to the first article of the Appendix, where it is given at very full length. We have preserved, in all the important parts, both the *ipsissima verba*, and the form of question and answer, without which the spirit and character of testimony can never be fully exhibited. Having devoted to this purpose so large a proportion of our pages, it could serve no purpose to give here a comparatively uninteresting abstract.

The evidence being closed, the Solicitor-General proceeded to sum up. Before beginning this task, however, he begged their Lordships would allow him a few moments to justify

himself, and his other friends who acted with him, as to the course pursued by them, and the principles by which they were actuated, in conducting this most painful and anxious inquiry. The moment the Attorney-General had received his instructions to support this bill, he, together with his learned friends who were appointed to assist him, directed their most minute and anxious attention to collect all the evidence that it would be their duty to adduce before their Lordships upon such an occasion. They lost not a moment in weighing well and considering all the materials, and every other evidence which could bear upon this great question. They collected together and digested every thing which they thought material to this paramount inquiry, without regard to either the influence or the impression which any parts of that evidence were calculated to create when it came before their lordships. In so doing, they felt that they were performing their duty fully, fairly, and candidly to their lordships. Now that the evidence had been gone through, they trusted their lordships thought they had fully discharged the duty imposed upon them. They felt, that in the progress of this cause, they were not to make themselves a party to the inquiry: but to pursue it, according to their lordships' instructions, fairly, candidly, and honestly. The learned Counsel then proceeded to sum up the various facts detailed in the evidence, through which, for reasons now repeatedly mentioned, we decline to follow him. We may quote, however, his observation as to the absence of any direct proof of the criminal act. He should merely observe, that he did not recollect a single instance, in cases of adultery, where the actual fact was fully proved in evidence. The crime

was always to be inferred from accompanying circumstances, which left no doubt of the fact upon the mind of a rational and intelligent man. On this point of proof he would beg leave to quote the opinion of one of the most enlightened judges that ever sat in this country. He had received this opinion from one of his learned friends, who had taken notes of it at the time it was pronounced by the learned judge. It was in the case of *Loveden v. Loveden*, before Sir William Scott, in the Consistory Court, in the year 1809. The learned judge then stated, that there was no necessity in a case of that nature to prove the actual fact of the adultery, for that could not be proved in 99 cases out of 100, where there was still no doubt of its having taken place. The uniform rule was, that where facts were proved which directly led to the conclusion that the act of adultery had been committed, such proof must be taken as sufficient. Now let the House for a moment look at the case in this light:—Suppose an adulterous intercourse really to have existed, how would that intercourse have manifested itself? How, but from the habitual conduct of the parties? After going over the facts of the case, he remarked, it was impossible for him to sit down without alluding to what had before been said to every cross-examination, and had been rung in their ears already, from the beginning to the end of this case; indeed, from the first moment any mention was made of the subject, and for the purpose of involving in reproach every individual who took any part in the proceedings. It was quite impossible for the persons at the head of his Majesty's government not to have established some mode of inquiry; it was quite impossible that they should not have inquired into reports in the highest

degree derogatory to her Royal Highness, and in general circulation in most parts of Europe. He asked them whether it was not their duty to inquire if those reports were or were not true. There was only one mode of doing this; that mode was, to select persons eminent in point of character, of great character for integrity and knowledge, to make that inquiry. Accordingly, as judicious, as proper a selection as could be made, had been adopted. At the head was one known to be a man of the highest respectability—known to possess unimpeachable integrity, and of great skill and knowledge in the laws of his country. He had been at the head of the commission—if commission it was to be called—for the purpose of obtaining, not idle rumour, but evidence of facts, such as could alone be admitted in every court in this country. He asked if any fairer selection could have been made than another gentleman of whom mention had been made in the course of the proceedings, who possessed great practice in the law. A third gentleman, Colonel Brown, he was not acquainted with; but he was told that his character stood as high as that of any of those who had dared to traduce him. Was he justified, then, in saying that it was a duty upon ministers to have instituted an inquiry into the reports circulated? And was he justified in saying that ministers had exercised a sound discretion, liable to no imputation whatever, in selecting persons to conduct the necessary inquiry? He finally considered it certain, that the preamble of the bill was proved, unless the proof should be impeached by evidence, clear, distinct, and satisfactory, on the part of her Majesty.

Thus closed the case against the Queen, but without producing any

of those effects upon the multitude, which ministers appear to have confidently anticipated. On the contrary, it was loudly proclaimed throughout the kingdom, that the mere evidence produced against her, had been fully sufficient for her entire acquittal. We are not accustomed to bow implicitly to the sentiments of this august body, especially in such a temper as then pervaded it. At the same time, we cannot but think, that the testimony had deep and serious flaws, and could scarcely afford conclusions so positive as the agents for the prosecution attempted to draw from it. The facts sworn to indeed seem quite sufficient; and it was rather a presumption in their favour, that they were not more direct and positive, since witnesses deliberately perjured might easily have made them so. Nor can we lay much stress on minute discrepancies in the report of facts, at so many years distance, when they are usually remembered and reported more or less loosely even by respectable persons. The defect lay in the character of the witnesses, in their being all foreigners, and chiefly of the lowest rank. Not that we can concur with certain of our countrymen in thinking that there is neither faith, truth, nor common honesty, on any but one side of the Channel, and that an Italian witness, merely *quoad* Italian, must be a liar and a scoundrel. Still there was not the same means of learning and knowing the character of persons in that rank of life, as if they had been natives of this country. They themselves did not lie under the same check, from the opinion of their countrymen and friends, upon so remote a transaction. Considering also that they had been brought to a distant country, under such high auspices, it was difficult for them to avoid opening their minds to some very wild and extended hopes,



in case of success. Above all, with regard to the two leading witnesses, it seems clearly to have been proved, that they made averments directly the reverse of those to which they now made oath. They were therefore convicted and confessed liars, and could scarcely expect to be believed, even in speaking the truth. It is vain to reply, that from the nature of the case, it was next to impossible, that any better evidence should have been obtained. The law cannot listen to this plea. If a crime is committed in such circumstances as to render the proof impossible, the evil is without remedy. The guilty must rather be allowed to escape, than the chance be incurred of the innocent suffering. Under these considerations, it does not appear to us, that the proof, as it then stood, was clear from great doubt, or could form a secure basis for any high legislative and judicial proceeding. Whether it ever assumed any other aspect, we shall presently have occasion to inquire.

The case being closed against the Queen, Lord Lauderdale proposed that her Counsel should be asked as to the course which they meant to pursue in the defence. Lord Lonsdale here rose and inquired of Lord Liverpool, whether, if the evidence should appear to justify it, he would be willing to drop the divorce clause, and to confine the bill to the penalty of degradation. Lord Liverpool replied, that no opinion whatever should be formed of the evidence till the whole defence should be before them. It was utterly impossible that any alteration should be made in the bill till the whole case was closed, till the question of the second reading was disposed of, and the bill should be committed. Insinuations had been made in that House and elsewhere, that divorce was the object of the

bill. He could now most distinctly say, that the illustrious individual alluded to had no wish whatever that the bill should operate as a measure of personal relief. He had introduced the provision of divorce as a plain and fair inference from the other provision of degradation, if that were made out. If, however, a strong feeling existed in the House or in the country, founded on religious considerations, against this provision, he was perfectly willing to withdraw it. The illustrious individual did not wish for it as a measure of personal relief. Earl Grey expressed his satisfaction at the assurance that the illustrious individual had no personal object in view. At the same time, if the proceeding concluded that her Majesty should incur pains and penalties, degradation from her high and illustrious situation, he thought, must be the necessary consequence. If she should be degraded from the rank, character, and situation of Queen-consort, she ought not to remain the wife of the Sovereign. Not because divorce would be a personal relief, but because it was absurd in terms that one degraded from the rank of Queen should be the consort of the King. A bill degrading the Queen, who was to remain the wife of the King, must be considered a bill degrading the King also. The Earl of Donoughmore entirely concurred with Earl Grey, and expressed his astonishment at the suggestion thrown out by the noble lord opposite.

Counsel being now called, the Chancellor asked Mr Brougham whether it was his wish to proceed with the defence now, or to take the delay offered, in order to collect and arrange the evidence. The answer of the learned counsel was not very perspicuous; but in the course of a pretty long conversation, it appeared, that the wish of the Queen's advocates

was to be allowed to state the case immediately, but with permission to delay, if necessary, bringing forward the whole of the evidence. This was considered as involving a very serious question, and the full consideration of it was postponed till next day.

On the following day (Sept. 9.) Mr Brougham being again asked how he wished to proceed, said, "I am now ready to enter upon her Majesty's defence; and then, if I shall be so advised, to call evidence in support of that defence. If, however, I shall also be advised to call witnesses not now in the country, in such a case, perhaps, it will be necessary for me to entreat the indulgence of your Lordships, to enable me to bring before you that evidence after I shall have opened her Majesty's case, and begun with the evidence in support of it."

Lord Erskine strongly urged, that counsel should be allowed to proceed in the manner they desired. When he practised at the bar, he should have complained of any question which went to influence his determination in the defence of his client, until he had entered upon and proceeded with that defence. The learned counsel ought to be at liberty to begin his defence just as he pleased, and afterwards either to call witnesses, or not to call them, as suited best his own sense of the trust reposed in him.

Lord Lauderdale, however, urged, that if an adjournment was necessary, now was the only proper time.

The Lord Chancellor felt the duty he had now to discharge peculiarly painful. He could not but admit that the Queen suffered by matters being left in their present state. Their Lordships were indeed imperiously bound not to infer any thing approaching to guilt, till they had heard the defence. Still it would be most unjust to represent, as it was impossible even to

hope, that either the House or the public could, after what they had heard, go away without some prejudice unfavourable to the Queen. Their lordships, then, had but a choice of evils; and it was for them to consider what would be the consequence in criminal cases hereafter, if that evidence, which was necessary to the statement of any case which counsel might have to offer, were postponed to an indefinite period after that statement had been made. He did most confidently assert, that in opening a case, every counsel gave an implied pledge to the court, that he was ready to finish it. Such a counsel might call evidence, if he pleased, or, without evidence, take the opinion of the jury; but he must close his case in one way or the other. Whatever confidence he felt in the Queen's Counsel, that they would not make statements which they had not the means of proving, the interests of justice required, that no precedent should be established upon regard to individual character. Consistently with the honour of a peer, or with the duty of a man, he could not consent to the proposition of her Majesty's Counsel. He could not agree to their opening their defence, without a positive statement that they meant to complete it.

Earl Grey, admitting that there was only a choice of evils, insisted that the present difficulty arose out of the previous proceedings of the House—their refusal to give a list of witnesses, and a specification of the charges. Refused those rights by the noble Earl opposite, and by the House at large—attacked by charges spreading, in time, over a period of six years, and in space over three quarters of the world—denied that specification of facts, that list of witnesses, which would have been granted to her in the ecclesiastical courts, and which, if indicted for treason, she might, by

the law of Edward III., have claimed even before that House—denied those advantages, an equivalent at some stage became absolutely necessary, in order to enable her Majesty to enter upon her defence with that power, which the law of England granted even to the meanest culprit—the power of doing justice to her innocence, if innocent she was. The equivalent was necessary; the equivalent was promised; and the question was now, in what manner it should be given? He was convinced that the learned counsel would not abate the privilege demanded by him; and seeing only a choice of evils, occasioned by the course recommended by the noble Lords opposite, and adopted by the House, he thought the least was incurred by granting this privilege. He did ask the House, whether, in the spirit of English law, or in the spirit of universal justice, upon any principle of common humanity or compassion, they could subject the accused to that disadvantage, and give every advantage to the accuser? Or whether they ought not to respect that humane principle of English law, which surrounded the accused on every side with protection, and cast disadvantage, if disadvantage must be the lot of one, upon the side of the accuser?

The Earl of Liverpool admitted that there were evils on both sides, and if these had been equal, the benefit ought to be granted to her Majesty. He conceived, however, the inconvenience on one side to be beyond all comparison greater than on the other. Whatever inconvenience the Queen might sustain from a refusal of the list, that inconvenience would be incomparably less than that which would result, not only to the particular case in question, but to the general course of justice, from that application being granted. If

this proceeding were allowed, learned counsel (and he here applied counsel generally) might open a case on false information, which they possessed no means of proving or verifying. Their Lordships might have an imaginary case stated before them, without any evidence whatsoever to support it. What, then, was the difference between a case going forth, together with the evidence on which it was founded, and a statement going forth, without any means of ascertaining how it would be supported? In the one case they had the evidence with the statement; in the other, they had a statement without any evidence at all, much less with any evidence capable of cross-examination, or being sifted in any way whatsoever.

The Chancellor then proposed the following resolution:—

“That the counsel be called in, and be informed that, if they now proceed to state the case on the part of her Majesty, they must, at the close of the statement, if they mean to produce evidence, be prepared to produce the whole of their proofs in support of the case stated by them; but that the House will, at their request, if they are not ready to take this course, adjourn to such reasonable time as the counsel for her Majesty may propose before their case is stated, that an opportunity may be allowed them to arrange the defence, and produce the necessary evidence.”

This motion was strongly opposed by the Marquis of Lansdowne, Lord Calthorpe, and Lord Darnley, but was carried by 165 to 60.

Mr Brougham being called in, and informed of this decision, observed, that he would bow to it, as became him; but he now made the proposition, that he should be allowed to comment upon the case on the other side, pledging himself that he would not introduce a single word alluding

to any statement or evidence which he might hereafter bring forward. The Chancellor, however, considered comments on the evidence for the prosecution to be, in the strictest sense, part of the defendant's case; so that, though Lord Erskine strongly urged the justice of the application, the motion for granting it was negatived by 179 to 47.

On the following day, Mr Brougham was called upon to state the time when it would be convenient for them to open the case for the defence. That gentleman, repeating the eager anxiety of the Queen to avoid delay, observed, that some time must however be necessary for preparation. He rather exceeded her Majesty's wish in naming Monday fortnight.—Some Lords observed, that this period of recess was very inconvenient, as not allowing them time to visit their estates with any comfort. It was answered and admitted, that every motive of private convenience must yield to the performance of their present duty. At the same time, considerable anxiety was shewn, that the day fixed should be one at which counsel positively would be able to proceed. Under these views, Mr Brougham finally fixed upon Tuesday the 3d of October.

The evidence against the Queen, though no obstruction had been offered to its daily publication, had not, as already observed, produced the slightest change in the views and sentiments of that great multitude by whom she was supported. The evidence, indeed, was not without its defects; and it would have been difficult at this moment to have produced any, which would not have swelled the tide that was running in one direction. The interval of three weeks, which preceded the defence, was spent in the continued assemblage of public meetings, where her

Majesty was lauded as the most illustrious of women; in the presentation of numerous addresses of the same tenor as before; and in the return of answers, echoing all the tenets of the radical chiefs. At length, however, the appointed day arrived, and the House having assembled, Mr Brougham produced himself as ready to open the case.

Mr Brougham began with expressing his fears, that he might not do full justice to the great and perfectly good cause which he had undertaken to discuss. The apprehension which oppressed him was, that his feeble exertions might have the effect of casting, for the first time, this great cause into doubt, and turning against him the reproaches of those millions of his countrymen now jealously watching the result of these proceedings, and who might perhaps impute it to him if their lordships should reverse that judgment which they had already pronounced upon the charges in the present state of the case. Although fully entitled to employ recrimination, and ready to do so, if necessary, for the interests of his client, that painful course did not seem at present called for. The evidence against her Majesty, he felt, did not now call upon him to utter one whisper against the conduct of her illustrious consort, and he solemnly assured their lordships, that but for that conviction his lips would not at that time be closed. In this discretionary exercise of his duty, in postponing the case which he possessed, their lordships must know that he was waving a right which belonged to him, and abstaining from the use of materials which were unquestionably his own. He felt, however, that, were he now to enter on the branch of his case to which he had alluded, he should seem to quit the higher ground of innocence on which he was proud to stand. He admitted, that her

Majesty had left this country ; she had moved in a foreign society, and one in some respects inferior to that to which her rank entitled her. This, however, was the fault of their lordships themselves, who, however at one time they had courted her society, had deserted her as soon as the sun of royal favour was withdrawn. Mr Brougham then pointed out the cruel treatment his illustrious client had on so many occasions experienced. She had never heard, first, of the marriage, and then of the death of her daughter, unless by mere accident. How wretched was the lot of this lady, as displayed in all the events of her chequered life ! It was always her sad fate to lose her best stay, her strongest and surest protector, when danger threatened her ; and, by a coincidence most miraculous in her eventful history, not one of her intrepid defenders was ever withdrawn from her, without that loss being the immediate signal for the renewal of momentous attacks upon her honour and her life. Mr Pitt, who had been her constant friend and protector, died in 1806. A few weeks after that event took place, the first attack was levelled at her. Mr Pitt left her as a legacy to Mr Perceval, who became her best, her most undaunted and firmest protector. But no sooner had the hand of an assassin laid prostrate that Minister, than her Royal Highness felt the force of the blow, by the commencement of a renewed attack, though she had but just been borne through the last by Mr Perceval's skilful and powerful defence of her character. Mr Whitbread then undertook her protection, but soon that melancholy catastrophe happened which all good men of every political party in the state, he believed, sincerely and universally lamented ; then came with Mr Whitbread's dreadful loss the murmuring of that storm which was so soon to burst with all

its tempestuous fury upon her hapless and devoted head. Her daughter still lived, and was her friend ; her enemies were afraid to strike, for they, in the wisdom of the world, worshipped the rising Sun. But when she lost that amiable and beloved daughter, she had no protector ; her enemies had nothing to dread, innocent or guilty, there was no hope, and she yielded to the entreaty of those who advised her residence out of this country. Who, indeed, could love persecution so stedfastly, as to stay and brave its renewal and continuance, and harass the feelings of the only one she loved dearly, by combating such repeated attacks, which were still reiterated after the record of the fullest acquittal ? It was, however, reserved for the Milan commission to concentrate and condense all the threatening clouds which were prepared to burst upon her ill-fated head, and, as if it were utterly impossible that the Queen could lose a single protector without the loss being instantaneously followed by the commencement of some important step against her, the same day which saw the remains of her venerable Sovereign entombed—of that beloved Sovereign who was from the outset her constant father and friend—that same sun which shone upon the Monarch's tomb, ushered into the palace of his illustrious son and successor one of the pejured witnesses who was brought over to depose against her Majesty's life.

Mr Brougham then proceeded to comment on the different parts of the evidence. He pointed out many parts which had been stated by the Attorney-General in opening the case, but which he had been unable to substantiate. He fully believed that his learned friend believed the truth of what he had asserted. He knew full well that there was no other way for these statements to have got into his learn-

ed friend's brief but out of the mouths of the witnesses, who at first had not hesitated to garnish their stories, though they were not found afterwards hardly enough to adhere to their falsehoods when brought to their lordships' bar. When they came to the point, they were scared from their first statements. Mr Brougham observed, that the witnesses were all foreigners, and almost all from Italy, a country which had never been famous for the soundness of its testimony. There was only one nymph for the whole Helvetic Confederation—only one from Germany, a common chamber-maid at an inn; although her Majesty had lived much in both of these countries. The two principal witnesses were proved to have made averments directly contrary to those which they lately swore to, so that, at all events, their reputation for truth could not stand very high. Demont had been praised for her candour; but as this candour had merely consisted in frankly confessing herself a liar, it could not tend very much to raise her credit. Could it be supposed that she would have been so anxious to introduce her two younger sisters into the Queen's household, had she known it to be such as she represented it? Many of the facts were in themselves utterly incredible, both from shewing a degree of grossness which could not be supposed in a person of the Queen's rank and habits, and from the total absence of the most common precautions.

Such, Mr Brougham concluded, was the case before their lordships. He begged again to call their attention, at the risk of fatiguing by repetition, to the two grand points of defence which he hoped their lordships would never dismiss from their minds—first, that the case was not confirmed by witnesses, for neglecting to call whom there was no pretence whatever—the

second point was, that every one witness that had been called was injured in credit. How but by these two tests could plots be discovered? Plots were often discovered by the second, when the first failed. When persons in respectable stations in life, previously of unimpeached characters, were got to give evidence in support of fraud and falsehood, the innocent must despair; escape became impossible, unless the plot appeared through the evidence—unless the testimony of the witnesses broke down under them—unless some points, entirely neglected, or incautiously seemed, exposed the whole fabrication to ruin and destruction. Their lordships would recollect an illustration of this, which was to be found in a great passage in the sacred volume. He called it a great passage, because it was full of instruction, because it was just, because it was eloquent. The two judges were prepared with evidence fitted to their object, and well arranged. They hardened their hearts, that the look of their innocent victim towards heaven could not divert them from doing the purposes of unjust judgment, or from giving a clear consistent story. But their falsehood was detected, and their victim was saved, by the little circumstance of a mastick-tree. This was a case applicable to all conspiracies and plots. This little circumstance was of the unessential, but decisive kind, which the providence of Heaven made use of to detect perjury. Such were Demont's letters; such Majocchi's banker's clerk. Those circumstances were not important to the body of the case, but they were important to the body of credit belonging to it. "Such, my lords, (Mr Brougham continued), is the case now before you, and such is the evidence by which it is attempted to be upheld. It is evidence—inadequate to prove any proposition; impotent, to

deprive the lowest subject of any civil right ; ridiculous, to establish the least offence ; scandalous, to support a charge of the highest nature ; monstrous, to ruin the honour of the Queen of England. What shall I say of it, then, as evidence to support a judicial act of legislature, an *ex post facto* law ? My lords, I call upon you to pause. You stand on the brink of a precipice. If your judgment shall go out against the Queen, it will be the only act that ever went out without effecting its purpose ; it will return to you upon your own heads. Save the country—save yourselves. Rescue the country ; save the people, of whom you are the ornaments ; but, severed from whom, you can no more live than the blossom that is severed from the root and tree on which it grows. Save the country, therefore, that you may continue to adorn it—save the crown, which is threatened with irreparable injury—save the aristocracy, which is surrounded with danger—save the altar, which is no longer safe when its kindred throne is shaken. You see that when the church and the throne would allow of no church solemnity in behalf of the Queen, the heartfelt prayers of the people rose to Heaven for her protection. I pray Heaven for her ; and I here pour forth my fervent supplications at the throne of Mercy, that mercies may descend on the people of this country, richer than their rulers have deserved, and that your hearts may be turned to justice.

Mr Williams, following on the same side, expressed strongly the difficulty he felt in coming after a speech so effective and energetic as that of Mr Brougham. He dwelt much on the difficulties under which the Queen's defence laboured ; the want of a specification of the charges, and list of witnesses ; the distance of time at which the charges were laid, and the long pe-

riod during which they had been allowed to lie dormant ; the remoteness of the place in which they were alleged to have taken place, and the shortness of the time they had to collect witnesses. Her opponents, on the contrary, had been collecting their evidence for years, with every means of information and influence at their command. Their Lordships were bound to make full allowance for all these disadvantages under which she laboured. The Solicitor-General had called upon them to produce Bergami and his brother. He saw no propriety in their production ; but might not he much rather ask, why the opposite party had not brought forward Di Holland and the English ladies who lived with the Queen ? Mr Williams went over the evidence in the same manner as Mr Brougham, shewing its nugatory and contradictory nature. The most novel part of his speech consisted in the specification of what he was to prove on the opposite side. All the particulars of the Queen's attending the opera at Naples, and of the following night, would be completely disproved. So far from her Majesty's dress being indecent, as Demont had sworn, according to the opening, it was particularly grave and decent, covering her person up to her chin, and covering almost the whole arm. The character which the Queen sustained was of a modest, severe, and simple kind. The Genius of History was

“ Sober, steadfast, and demure ; ”

and naturally such in other attributes, as Milton described another imaginary personage. It was not a fanciful, wild, and fantastical person that was to be represented ; it was not the laughter-loving goddess, who was generally represented open and exposed in a considerable part of her dress. From the nature of her character,

therefore, and from memory, a positive contradiction would be given to this part. He would now proceed to take another instance. Their lordships would now call to their recollection the circumstances given in evidence as having occurred at Carlsruhe. Ever as that stood at present, it was rendered impotent, when they considered the interference that had taken place for the prosecution and against the Queen. He alluded to the subtraction of a witness, whom the Queen desired to attend, and who was compelled not to come at the Queen's desire. Yet, although this interference was used to deprive the Queen of evidence, truth was not here without a witness. In page 188, their lordships would find the evidence of Kress, who fixed the time between seven and eight. In contradiction, they were able to prove the dining of the Princess and of Bergami abroad every day they were at Carlsruhe. On one day only, when Bergami was dining, he believed, with the Grand Duke—but that was not material—but he retired from where he dined with the Queen unwell. Some music was afterwards given by the Grand Duchess, and the witness who would be called remembered it well, from having taken part in the musical performance. The Queen was there, and remained there two hours after the departure of Bergami. It would also be proved, that when she returned, Bergami was up and well, having had but a slight indisposition—a headache he believed. This completely covered the time Kress spoke to, and the dress and appearance of Bergami, which would be proved by the witness who accompanied him home—and his dress on the arrival of the Queen, the proof of which did not rest on one witness only, for two witnesses would speak to that fact—these circumstances com-

pletely met the evidence of Kress. The witnesses to be produced for the Queen upon this point, speaking to facts with perfect recollection, were sufficient; above all, when they were able to produce evidence respecting Kress, which would render her not fit to be believed upon her oath. In these circumstances, the witnesses they would call would satisfy their lordships that the evidence of Kress was not only not sufficient to deprive the Queen of her dignity, but utterly insufficient to deprive a sparrow of a feather of his wing. He would now call attention to another fact respecting details of evidence, which it was lamentable to see gone forth to the people of this country. Sacchi, Sacchini, or whatever name he chose to be called by, was the author of this evidence. He alluded to the memorable journey to Senegaglia, when this witness described his drawing of the curtain, and seeing the indecencies which he would not mention more particularly. Three times over had Sacchi, according to this testimony, seen those indecencies. It was thought necessary thus to make assurance doubly sure. Now, in the first place, it would be proved, that the Queen travelled in a landau, and that there were no curtains to be drawn belonging to that carriage. In addition, it would be proved, that in that journey Sacchi was not the courier, or the person whose office it was to do the duty which he had so minutely represented. There was indeed a spring blind, but not a curtain, and it could not be removed by a person in the outside. Another person, who well remembered that journey, had been the courier on the occasion, and the witness would state to their lordships his reasons for remembering it. Many witnesses would speak to this part of the case, and prove that the person to whom



he alluded was the courier. He did not waste time in commenting on this contradiction. If Sacchi was not there, he saw not what he swore he had seen. If there were no curtains, Sacchi did not draw them. He would farther be enabled to prove the falsehood of this testimony by the presence of a person who had been in the carriage on the journey, and who would negative the statement of Sacchi, so far as that was possible in such a case. In the answers of the mason, Ragazzoni, their lordships would find that antediluvian scene of Adam and Eve, which they would remember, no doubt. They (the Queen's counsel) should prove to their Lordships that Ragazzoni could not see what he had deposed to have seen by the laws of optics—by the laws of nature rather—and consequently that the testimony he had borne against the Queen of these realms was false, foul, and malignant.

After the counsel had concluded, Lord Grey noticed, that it appeared from their statements, that Baron Ende, chamberlain to the Grand Duke of Baden, had been prevented by his sovereign from coming over as a witness; that General Pino had been prohibited by the Austrian government from appearing in his uniform, and, being afraid that this would involve the forfeiture of his commission, he had thus been deterred from coming. If the government was to us, their influence in bringing over foreign witnesses, it should be on both sides.

Lord Liverpool replied, that the principle laid down by the noble Earl was entirely that on which his Majesty's government had acted. Notice had been given to the Queen's agents, that any applications they might have to make to foreign courts would be immediately forwarded. With respect to the north of Italy, (the most material part, on account of the number of witnesses to be derived from thence),

those gentlemen were informed, that if an agent were appointed by them to collect evidence, this government would write to the Austrian government to request that all facilities should be given to him, without the necessity of any application to foreign powers, or even to the British ambassador. The matter was put upon this footing, because it was presumed that some agent would be necessary. The agent on the part of the Crown was Colonel Brown, the agent nominated on the part of her Majesty was Mr Henry, and her legal advisers were informed, that whatever requisitions he might make would be immediately acceded to. Her Majesty's counsel, instead of sending two or three agents into Germany in her Majesty's behalf, had applied to his Majesty's ministers for the removal of this obstacle, he would pledge his honour that not a single moment should have been lost in sending a special messenger to Baden. Indeed he would now promise the learned counsel, that if they were of opinion that the evidence of the individual in question was material to their case, two hours should not elapse before a special messenger should be sent to request his attendance.

Lord Grey professed himself satisfied with this explanation, and after a good deal of explanation, it was agreed that a messenger should be immediately sent to Baden, to solicit the attendance of Baron Ende.

The array of witnesses, brought forward on the Queen's side, presented a very different aspect from that which had appeared for the prosecution. Instead of wretched Italian postillions and waiting-maids, there appeared English noblemen, ladies of quality, men of letters, and, when it came to the worst, young naval officers of unimpeachable character. These individuals resided in the

house, held situations in the family, travelled, spent months on shipboard along with her. They had, therefore, every opportunity of observing her general deportment. They came forward, moreover, under an evident anxiety to give the most favourable testimony possible. All, therefore, went well, so long as they were merely examined by the Queen's advocate; so long as they kept within the circle *convenit*. But, unfortunately, there resides in the English bar a terrible power of cross-examination, of which the Solicitor-General was endowed with more than the usual portion. The witnesses, once placed before the House, were obliged to answer to any questions that might be put. They were tortured, twisted, till every thing was sifted to the very bottom. It was soon wrung out, that Bergami had entered the service of the Queen in the quality of a courier, and had waited at table, that he had been quickly raised to the place of the Queen's most intimate companion—the manager of all her affairs—the master of her household. All his family had become part of hers—his mother, brother, sister, his infant daughter—but always with the strict exception of his wife, who was never seen within the precincts of her residence. All these things had indeed been stated by the witnesses for the prosecution; but they made a very different impression, coming from the mouths of unknown and wretched Italians, brought over the seas to witness against her, and when they were confirmed by respectable English witnesses, testifying with an evident bias in her favour. When Lord Guildford stated, that in one visit Bergami had waited at table; and that a few months after, he, with his brother and sister, had sat at table, and done the honours of the house, it was impossible for an English noble-

man not to ask himself, what he would have thought of such an incident occurring in the house of an English widow lady, of much humbler rank. The total breaking down of Lieutenant Flynn, made perhaps a stronger impression on the public than it deserved. His contradictions were, in fact, on matters of no consequence; and the only doubt was, whether such dreadful dismay could have arisen, unless from a secret fear of not being able to maintain the ground which he had taken. But when the confession was extorted from Lieutenant Hownam, of the parties having, in his belief, been accustomed to sleep together in the same tent on deck, an impression was produced, which nothing could efface. No plea, drawn from the necessity of protection, seemed sufficient to justify such an arrangement. More credit might have been given to that plea, had the person employed been kept strictly in the character of a servant; but when he was seen in every other respect filling the place of a lover or husband, how difficult was it to avoid the most unfavourable conclusions.

The part of the evidence most advantageous to the Queen, was that derived from the conduct of certain individuals connected with the Milan commission. Nothing, indeed, was brought home, even in the way of suspicion, against the English agents; but there seems no doubt, that some bribes, and large promises, were offered by several Italian agents. This fact, no doubt, threw a considerable addition of discredit on the witnesses for the prosecution. But these, as already observed, were always liable to much exception, and, unfortunately, there were now facts standing on unquestionable grounds, which fully established the utmost excess of indiscretion, and left at least an indelible suspicion of guilt. In fact,

though the Queen's advocates strenuously resisted the inferences from each fact as it came, and though the multitude still made her their idol, the most judicious Whigs were heard whispering to each other, that really there was very little doubt of her guilt; and that the only ground on which they could support her, and oppose her enemies, was the treatment which might be supposed to have driven her to it, and the irregularity of the proceedings against her.

The counsel for the Queen began now to take a serious consideration of the state of their proceedings. The more evidence they had brought forward in favour of their client, the worse her case had always become. They had still several important witnesses ready to bring forward, particularly Hieronymus, and the sister of Deront, persons who, having been long domesticated in the house, were most competent witnesses, and who were ready to give favourable testimony. But could they be safely exposed to the terrible cross-examination of the Attorney-General? The keeping them back would afford to the opposite side an opportunity of drawing the most unfavourable inferences. Yet this, after all, would be less fatal, than if any disastrous confession were to be wrung out of them. Under the influence of these considerations, Mr Brougham now announced the termination of his case.

The evidence for the prosecution being thus closed, Mr Denman proceeded to sum it up, in a long speech, from which our limits allow us to make only a few extracts. On the subject of the tent on board of the polacre, where she and Bergami are admitted to have slept, he observed: It was the awning of the deck, hanging loosely around, covering a large space—the bed of the Queen and that of Bergami, or rather the bed

and sofa on which they rested, were placed at a distance from each other; and, what never should be forgotten, the hatchway was always open. This last fact was of the greatest importance, because, in the examination-in-chief of Majocchi, he said that the tent was never open at night—that it was entirely closed, shut up; but it was extracted on cross-examination, and the fact was substantiated by other witnesses, that the hatchway was always open, and all who passed above, or below, or along the hatchway, could know what was doing. The parties were sleeping as in a camp on land. Could it be supposed, for one instant, that this awning could have been used for the purpose of an improper intercourse, which his learned friends inferred from circumstances which did not at all warrant it? They were told that this improper intercourse took place in the day-time, and that the awning was let down during the day. He knew not how to deal with this. If the awning was let down during the day, what was it but a challenge to all to see—he would not say the use made of it—but it was an open exposure of the mode of lying in the beds, and of the purpose for which those beds were occupied by night as well as by day. The period during which her Majesty was in this situation, was from the 20th of July to the 17th of August. During that time her Royal Highness was proved to have been extremely fatigued; and it was absolutely necessary, as Lieutenant Hownam had stated, that her Royal Highness should be attended by some person. By what person, then, both for convenience and for every necessary purpose, could she be more properly attended than by the chamberlain, whom she had appointed to provide every attention and protection which her situation required? The whole time that

her Royal Highness reposed there, she had her clothes on; no time was found when the parties were not clothed. There was but one moment when it appeared that Bergami was positively under the tent, and then he was clothed. Let it be recollected, that their lordships were now trying the highest subject of the realm for the highest crime a subject could commit. It was their duty to allow no middle course—no disgraceful compromise between their duty and their inclination. They were not to receive light evidence, under the supposition that the punishment was light. The punishment was not light; it was the heaviest that could be inflicted on a Queen. For his own part, without any exaggerated sentiment, which perhaps in an advocate might be allowed, he might say that he would rather see his royal mistress tried at the bar, like Anna Bullyn, for her life, than in the more perilous situation in which the Queen now stood. He would much rather have to hand her to the scaffold, where she would have to lay her august head upon the block, with all the firmness and magnanimity belonging to her illustrious family, than witness her condemnation under the present charges, which would render her an object indeed of general pity, but of more general scorn; to be looked upon only as one who was entitled to compassion, having fallen by the misconduct of those who afterwards brought her to punishment, but at the same time to be regarded as a most deplorable instance of degraded rank and ruined character. The House was bound therefore to try the Queen, as if the commission of an act of high treason on board the *polacre* had been charged; and, thus viewing it, what would be the language of any judge regarding a prisoner, who, having by the evidence been acquitted of a great number of

false and important charges, was at last accused of one single and comparatively insignificant offence?—would not the judge declare on the instant, in a case like the present, that no proof existed of criminal intercourse—that the main fact had been disproved—that though the parties had perhaps been shewn together in the tent, and though there might be a surmise or possibility of guilt, because one of the witnesses had hinted at such a situation, yet that all criminal intent was negatived, and that the excuse for the situation was given under the same oath that had sworn to it? A judge who, under such circumstances, did not declare that a prisoner ought to be instantly acquitted, would deserve to be impeached at the bar of this House for a gross and infamous dereliction of his duty.

As to the discomposure of Lieutenant Flynn, Mr Denman urged: No person could forget how this gallant officer was cross-examined. He did not undervalue the talents of the Solicitor-General; he held in the highest honour that greatest of legal talents, that most important means of detecting falsehood which man could display, that best shield of slandered innocence—he meant that talent of cross-examination which was often found successful in dragging reluctant truth from its lurking-places, in making a witness disclose what he was most anxious to conceal, and in displaying most conspicuously those important truths which were most sedulously withheld. But that sham cross-examination which was exercised in taking advantage of the alarm and agitation of a witness—though he honoured the talent of cross-examination which elicited important truth, he regarded with a very inferior degree of honour that sham cross-examination, either in its motives or its consequences. His learned friend (the

Solicitor-General) by his powers of mind, by his great powers of countenance, and by his talent in cross-examination, had in the case of this witness got, what, if the paper and its contents were important, might lead to an inference most unfavourable to the credit of the witness, but what, unimportant, perfectly unimportant and immaterial, as the paper was, led only to the conclusion, that he was entirely overcome by his own agitation and alarm. The greatest men in the field were known to be nervous and agitated on occasions foreign to their profession.

In regard to the character of the witnesses, Mr Denman represented, they were discarded servants, and he would say so, though in time all phrases became hacknied in the mouths of men; yet, if after the lapse of six years such testimony was to be received, he would appeal to the House in what situation human society would be placed. He never could reflect upon the conduct of discarded servants, with reference to the matter now before the House, without remembering the immortal words of Burke, where he directed the fire of his eloquence against spies in general but especially against domestic spies: He said, that by them "the seeds of destruction are sown in civil intercourse and happiness, the blood of wholesome kindred is alienated; our tables and our beds are surrounded with snares; and all the means given by Providence to make life safe and comfortable, are converted into instruments of terror and alarm." Discarded servants had it in their power at all times to depose to facts on which they could not be contradicted. If any man should dare to swear that the noble consort of one of their lordships had got out of her bed in the middle of the night, unseen but through the key-hole or crevice of a door, and

crept to the bed of a domestic, how was it possible to contradict such a witness, who had been dismissed, notwithstanding his possession of a secret so fatal, but by the general purity of the character of the illustrious accused, and by the malice of the accuser betraying itself in the very foulness of his charge? One of the servants in the case of the witness to whom he had already alluded, being questioned upon subjects of this foul and filthy description by one of the persons who had attempted to suborn her, had given him an answer full of female spirit and virtuous indignation—an answer which he preferred to give in the original, because he was unwilling to diminish its force, and because being less known the coarseness would be less understood:

Καθαρώτερον, ὡς Τυχέλλινε το αἰδοῖον ἢ δια-  
' ποῖνα μὲν τὰς ἐν ἐξουσίας ἔχει.

To such discarded suborners as Sacchi and Rastelli might this answer be applied. Sacchi had talked a great deal about his being a soldier and a gentleman; he had received the reward of his fidelity on the field of battle, and one of the first proofs he gave that he deserved it, was coming forward to betray his mistress. What might distinction was there between treachery and perjury—between the man who betrayed truths that had come to his knowledge in the excess of confident reliance, and the man who would invent them for the sake of a base reward? The witness who was summoned to an English court of justice, was bound by his oath to disclose the truth, and the whole truth; but why upon this occasion had Sacchi made his appearance? Because he had been bribed to give his evidence. He had received no summons, no *subpœna*, and no force had been necessary to compel him; he

was a volunteer in iniquity, not for its own sake, but for the most base and sordid purposes, and was equally infamous, whether he came to disclose the real secrets of his mistress, or to perjure himself by the assertion of what was false. The greatest of all traitors—the first apostate to Christianity and human nature—was not forsworn: he only came to betray his master; yet the execrations of mankind had followed him from that moment to the present. He (Mr Denman) always thought of this great prototype of treachery and infamy when he saw such a witness as Sacchi advance the Bible to his lips, ready, like Judas, to betray God and man at once with the same blaspheming kiss.

The elevation of Bergami was sought to be justified on the following ground: He thought it was impossible to advert to all the circumstances connected with his introduction, without perceiving that Bergami was such a person as any employer would be glad to receive, and the employment of whom it was proper to advise, and without being ready to acknowledge that there was nothing extraordinary in the promotion which in the course of the following twelve months had taken place. Here it might not be improper to observe, that the courier of a royal person is not considered a menial servant; and that the dress which belongs to that station in such a service is not a livery. However, Bergami was, in the course of the year after he was engaged, promoted to the situation of page, and, he believed, in the same year received the key of chamberlain. Now, he did not mean to deny, that it would have been advisable for her Royal Highness to have appointed to the station of chamberlain some person of rank and distinction from this country, if such a person could have been found at the time; but when the

motives of her Royal Highness for engaging Bergami were made the subject of discussion, he would ask, what right, what hope, she could have at that period of obtaining the service of any English person of distinction? How could she expect that such a person would like to incur the displeasure of the Court at home, for the sake of entering into her service? Her Royal Highness could not expect Mr Craven to remain in her service, because he had stipulated to attend her only for a period, as his affairs would permit, and Sir William Gell left her because his health did not permit him to accompany her Royal Highness on her travels. She was, then, after these gentlemen quitted her service, left without the means of supplying the office of chamberlain by any person or rank from this country; and, under these circumstances, and with the recommendations she had received of Bergami, he would ask whether it was possible she could have done better than to bind to her service, by a judicious promotion, a man of honour and courage? To give honourable distinction by their favours, was one of the proudest prerogatives which royal personages possessed. Their lordships would understand he did not mean that constitutional honours were so conveyed; but this would surely be admitted—that any individual who is once introduced to the notice of a royal personage, and obtains a share of the royal favour, becomes, at least with respect to all others who attend on that royal personage, a person of distinction. He would not ask whether Captain Rebell had exercised a right judgment in refusing to sit at table with Bergami. Perhaps it might be thought right by many; at any rate, he was right in acting on his own judgment, such as it was. But this he would say:—No person could

suffer, in the opinion of the world, by entering into society with a person whom any royal individual honoured with notice and distinction. Besides, it had been proved that it was thought necessary that her Majesty should have a guard; and their lordships would recollect what had been proved respecting the placing of Bergami near her Royal Highness. M. Siccard had stated that the cabinet to which Bergami was removed, at Naples, opened into the garden; that he thought it necessary to have Bergami there; and, without the smallest notice being given to her Royal Highness, and without any communication, or any knowledge whatever on her part, Bergami was removed from the room in which he slept, and placed in that cabinet. It was most important that her Majesty should have near her a person whose fidelity could be relied on; for no man who read the evidence could for a moment doubt, that her Majesty was at this time surrounded by spies, and that there was reason to apprehend that her personal safety was in danger. But, if there should be any difference of opinion on that point, at least this was clear—that her Royal Highness was impressed with a belief to this effect. Now, when Bergami had honestly discharged the service in which he had been employed, could any thing be more natural than that he should have been promoted from the honourable office of page, to the still more confidential one of chamberlain? Bergami had qualifications which particularly fitted him for the office. Among others, he had been in the habit of keeping accounts. It appeared that the servants had constant disputes with Bergami or his brother; and, to all the other motives of mutation, was to be added that of jealousy at the sudden promotion of Bergami to an office, which each of the

other servants probably thought themselves equally capable of filling. But when their lordships considered the circumstances under which this person had been promoted, and the manner in which he had discharged the duties of his station, he would ask whether there was any chance that her Royal Highness could have made a better selection? It appeared that Bergami had filled the office of chamberlain with fidelity and propriety; and when he was promoted, her Royal Highness could have no hope that any individual of rank would take it, or that she could have the opportunity of offering it to any other person equally fit for the office. In making that appointment, therefore, she had acted with propriety as well as generosity. But it appeared that the virtuous feelings of this exalted lady were all to be made a foundation for drawing unjust and injurious conclusions.

In conclusion, Mr Denman made some pointed remarks on the calumnies circulated by persons even of the most exalted rank, and the dreadful ordeal through which her Majesty's conduct had passed.

Mr Denman was followed by Dr Lushington, whose speech was chiefly remarkable by his treading so closely on a subject, on which the Queen's Counsel had boasted of their silence. It was his duty in the first instance, to make one or two observations on the charge as a case between husband and wife; and here he must observe, that though, through the whole of his professional life, he had been conversant with cases of adultery, he had to declare that this was the most extraordinary he had ever read or heard of. He was bold to say, without the fear of contradiction, that no precedent could be found in modern times where a husband sought a divorce by accusing of adultery a wife of fifty years of age. Were his Majesty a

simple subject, was there a man in the world who would say, that he was entitled to any consideration whatever in an application for divorce—that it was possible he could have any injury founded on such a complaint, for which he could claim redress? As a husband, then, the King had no right to seek redress. But then it was said, that this application was not in the name of the King, and that the law in the case of a subject was not applicable to the Sovereign. Let, however, no one presume to say that he is emancipated from obedience to the laws of God; for that assertion, of whomsoever it be made, was founded in untruth and falsehood. It was also said that rank and station in the wife required a more rigid observance of duties than in the husband; but was there any duty which was not reciprocal? Was it not so with respect to matrimonial rights? And was it to be said that there was one law for woman and another for man? or did superiority of rank make the engagement taken at the altar of God less binding? Was the private individual to be told that there was one divine law for him, and another for the sceptered monarch? What was the plight of the husband—what the promise made at the altar? *Thy love and to comfort.* But how was that promise observed? Where was the love?—where the comfort? Where should he look for the one or the other? The comfort! what traces were there of it? If he went back to 1806, was it to be found there? or must he look for it in 1813, at that period of cruel interference, when the intercourse between the mother and the daughter was prohibited? Was it to be sought for at the period when the mother was exiled to a foreign land? No; there it did not exist; for, wherever she went, the spirit of persecution followed her. It was inconceivable that a wife, thus deserted, thus persecuted, should now be told, that she had been unmindful of her duty, whilst the husband, who was pledged to protect her, had a loved her to pass through the world without a friend to guard her honour. He regretted the discussion of these topics. He knew well, that, when the acts of kings were brought before the public, there were individuals who dwelt with triumphant satisfaction on the exposure. No man could feel the difficulty of his situation more than he did, when called upon, in the performance of a solemn duty, to dwell upon such painful considerations; but he owed it to himself and to his client to speak out boldly. Their lordships could not, unless fully prepared to violate the laws of God and man, declare against his client. That venerable bench of Bishops, who formed part of the judges, could not, without violating the tenets of that gospel which they preached and inculcated, pronounce against the wife of their Sovereign. The laws of God and of the country were upon her side, and he was sure that it was not there that they would be violated.

Dr Lushington then went into a detailed examination of the evidence, and concluded with leaving his illustrious client, her honour and character, in the hands of the House with the most perfect confidence; he left her, not to the mercy, but to the justice, of their lordships. He then proceeded to an elaborate summing up of the evidence.

In reply to these observations of the Queen's Counsel, replies at great length, and continued for several days, were made by the Attorney and Solicitor-General. Our limits, of course, can admit only a few of the most leading features. In regard to one of the most critical circumstances of the evidence, the Attorney-General obser-



ved,—Did not her Royal Highness and Bergami sleep under the same tent on the deck of the polacre from Jaffa to Capodanza, and for the space of nearly two months? The reason assigned for this was, forsooth, that some horses were below; that their noise, and the heat of the weather, compelled her Royal Highness to repose under a tent on the deck. But his learned friend (Mr Denman) said that this did not deserve the name of a tent; that it was only the ship's awning—a sort of covering, loosely let down over her Royal Highness, and easily opened by any body on deck. What said their own witness, Lieutenant Flynn?—that it was fastened down to the ship's ring-bolt on the deck. Majocchi, at page 90, and Gargiulo and Patuizio, at pages 121 and 131, both prove how the tent stood; they prove all the particulars, not one of which stands contradicted by a tittle of evidence. Both the captain and mate proved, that, while Bergami was reposing under the tent, and her Majesty hanging over him, Schiavini ordered the tent to be let down: this was done in broad day, and by the order of Schiavini. Where was Schiavini to contradict this. He was now living at Brandenburg-house with her Majesty—he had been sent over to collect witnesses. Was he too without nerves for cross-examination, as Captain Flynn and the Ladies Oldi and Marietta were said to be? Was not Schiavini to be found with nerve enough, to contradict the fact, that, by his order, the tent had been let down under the circumstances he had named?

In regard to the non-production of witnesses, the learned Counsel afterwards urged still more forcibly: Lady Charlotte Lindsay was produced. Why, if she was produced as the dame-d'honneur who was in that capacity for so short a time, why was not that

person called, who had also been with her Royal Highness as dame-d'honneur from the period of her English suite's quitting her at Milan up to her arrival in this country? Was it meant to be said that that lady of honour was not to accompany her? Was her Royal Highness to be left without one? She travelled up, then, to St Omers, without one female attendant in the capacity of lady of honour. The Countess Oldi, of all persons, was the one whom their Lordships might have expected to be produced on the other side. Of the Countess Oldi there could be no suspicion. She was of a family against whom there could be no suspicion of her Royal Highness. She was of the family of Bergami, of which there could be no suspicion! She it was who Mr Williams had said should be called to contradict the facts charged to have occurred in the journey from Rome to Senegaglia. But were these all who might have been placed at that bar? Why was not Austin produced? Where was he? He was now nineteen; his name was among those of the witnesses in attendance. He could have contradicted many parts of the testimony on the other side. Where was Hieronymus?—At Brandenburg-house, but by no means forthcoming. Where was Schiavini?—He was also in the country. But though he performed many important acts about the tent, he was yet not produced. Where was Ludovico Bergami, who waited at table, his brother being a courier at Genoa? Why was not he produced? Where was Cameron? Where was Limi, the Jew harper? He had now named about eight persons; but there was Carlini too, who was on board the polacre; why was not he produced, and the whole family indeed of the Bergamis—Faustina, the mother; Rappi, Bernardo, Francesco? Not one of these had been

produced, although his learned friends had undertaken to contradict every part of the case for the prosecution. They called, indeed, Lieutenants Flynn and Hownam, and then Vassali; but either they have such weak nerves, or such treacherous memories, that his learned friends thought their other witnesses must not be produced at their lordships' bar, and therefore they had been withheld. In regard to Bergami, it was observed, their lordships had been kept in happy ignorance as to the nature of his services. What was there at Genoa, at Milan, at Naples, to call for all that further favour which was shewn him, to allow of his introducing into her Royal Highness's house and service all his relations—Faustina, who, at Genoa, was not known to be his sister? the Countess Oldi, who, at Genoa, was not known by Dr Holland to be his sister? Why was all this secrecy kept up? Why, then, was Louis Bergami to be admitted into her Royal Highness's service? What! her Majesty, who never before let any servant dine with her, at her Majesty's table, suddenly permitting, not only Bergami, but so many members of his family, to dine there. The learned Counsel concluded: Mr Brougham had argued, that an advocate for an accused was to defend his client at all events; and, separating the duty of an advocate from that of an honest and independent citizen, was to go on, regardless of the dangers he incurred, and reckless of the consequences, even to his country. But what was the duty imposed upon his learned friends? To protect the interests of their client, to guard the innocence of the Queen, and to establish it against the charges by which it was impugned. This they had attempted to do. But had they confined themselves to that duty? No; for the Counsel had been permitted,

for the first time at their lordships' bar, to launch into invectives against the constituted authorities of the realm. Modern precedents were to be sought for, to justify the course which they had been allowed to adopt; and the annals of corrupt Rome were to be ransacked for examples odious enough to serve the purposes of their denunciation. The cruellest of tyrants, the most detested of all antiquity, was to be brought forward as a supposed parallel to the King. The throne itself was not spared; nor was this all—their lordships were not spared. No one was to be exempted from the extraordinary observations which had fallen from his learned friends. Their lordships would—he would not say pardon them; but perhaps some excuse was to be alleged for them in their trying situation. If the Queen, however, was innocent, her innocence was to be established in some other way. If she was innocent, it was not invective and virulence which would prove her so. Innocence stood secure always in its own strength: it wanted no aid from vindictive aspersions. Whatever had been the eloquence of those invectives, during the time that the question of that innocence was to be examined, he could not help thinking that the path of duty was to be preferred by his learned friend. But it seemed, by the conclusion of Mr Brougham's address to their lordships, that the public had already passed their verdict upon this case. The public had passed no verdict. There was, indeed, a part of the community who had attempted to do so—who had, by the most base, the most insidious means, endeavoured to deceive the best and most deserving part of the nation—who had endeavoured to wrong and to betray them. •These, while they had the cause of the Queen in their mouths,

had another cause in their hearts. He would not say that he believed it, but it must pain every one to believe, that any countenance could be given to such a party by the illustrious person accused. Now, not only had all this been done out of doors, but, their lordships had been told, in magnificent language, and in a manner he had rarely seen surpassed, and which, at the time had no doubt produced a very considerable effect—that their judgment, if it went to degrade and dethrone the Queen, would be the last and only one they could pass, which would fail in its object, and be productive of endless ill consequences; and their lordships were told, and attempted to be persuaded, that, as the only means of preserving the honour of the crown, and securing the tranquillity of the country, they were called upon, at all hazards, and whatever might be the contrary bias of their own opinions, to pronounce a verdict of acquittal; because, forsooth, such a verdict the state of the whole country demanded, in the opinion of his learned friends. God forbid that such a topic should ever preserve any weight with their lordships; that any consideration should sway them from their duty; that they should desert the persons of high honour and character, who were interested in this case, or the exercise of that discretion which had hitherto commanded the respect and concurrence of the country. “The throne,” concluded the learned gentleman, “will be best protected, and the altar best defended, by a judgment passed by your lordships according to evidence, the evidence which has now been offered to you. If that conclusion, my Lords, be what I have endeavoured to show, that the nature and amount of the evidence go to establish, and which, I think, it inevitably will be, a verdict of Guilty, I

am sure your lordships will pronounce it with confidence; that it will be satisfactory to your own consciences, and, sooner or later, that it will be satisfactory to the whole country.”

The Solicitor-General wished to confine himself chiefly to those facts which had been established by undoubted witnesses, and concerning which no question had been raised. He dwelt particularly on the elevation of Bergami. Bergami was hired as a courier, as a courier only, on the journey from Rome to Naples. In a few months afterwards their lordships would find him elevated to the rank of chamberlain or equerry—made a Knight of Malta, (a very high and great distinction); a Sicilian baron; a Knight of the Holy Sepulchre; and in possession of a very considerable estate in the neighbourhood of Milan. These were facts not disputed; it became, then, very material to consider how they had been replied to—how met on the other side. His learned friends had felt the weight of them, and in the discharge of their duty had endeavoured, of course, to give some explanation of them. Let their lordships now inquire a little into that explanation; let them examine it, and see how completely, how entirely, it had failed. Mr Brougham, in the course of his address to their lordships, had stated that this was all very natural—that Bergami was born a gentleman, but was reduced in his circumstances, merely by the events of the French revolution—that he had sold his estate to pay off his father's debts. What, however, was the evidence which the other side had laid before their lordships with respect to this important fact? They called Colonel Tulle, who gave this account of Bergami:—He said that he was a sergeant, or held a situation equivalent to that of a sergeant, in

the French army. He told their lordships that Bergami was the private, but familiar, servant of General Pino; and they had it uncontradicted in evidence, that, while in the service of General Pino, he received wages at the rate of three livres a-day, waiting regularly at table. This was the evidence relative to the previous situation of Bergami—a previous situation which was granted on the other side, but accounted for by its being said that he was born and destined to be a gentleman, but was reduced to necessities. Of this man's family, it would be seen that no less than twelve or thirteen had been taken into the Princess's service: by his relatives and connexions her Royal Highness was beset on all sides, with one most remarkable exception, which their lordships could not fail to notice, and which had been already emphatically alluded to by his learned friend, the Attorney-General; it was, that Bergami's wife never made her appearance where the Princess took up her residence. All the rest of the family, and Bergami's child, were with the Princess; but the wife was kept at a distance; she never could partake of the hospitality of her Royal Highness's establishment; she was the only one of the family who was called to submit to every sacrifice without a murmur. How was it possible to reconcile all these facts with the statement of his learned friends opposite, that Bergami's fidelity as a servant was the sole cause of his advancement? It was impossible to put all these facts together, without arriving at the conclusion, that the degrading intercourse had been carried on which was stated in the preamble of the bill. In regard to the Milan commission, it was observed: Not a single fact could be brought forward to prove that the Milan commissioners had been guilty of the smallest improp-

riety of conduct. It might, perhaps, be said that some impropriety had in a particular instance attached to some subordinate agent; be that as it might, he was justified in asserting, that the commissioners neither countenanced such conduct, if it had occurred, nor were in the smallest degree privy to it. The learned Counsel, like his predecessor, expressed his surprise at the language used on the other side, and particularly at the appeals made to what passed out of doors. Their lordships, he trusted, would decide solely upon the evidence, without any regard to such considerations.

When the pleadings had concluded, Mr Brougham came forward with letters of Baron Ompteda, which he requested to be allowed to read, as throwing light upon the conduct of the Milan commission. The Duke of Hamilton moved, that these letters should be received. Even Earl Grey and Lord Holland, however, were of opinion, that this was inconsistent with the rules of law, and that an inquiry into the conduct of the Milan commission would now be premature. The motion was therefore negatived by 145 to 16.

This long and anxious proceeding being now brought to its legal termination, the House had to proceed to the legislative part of the question. The debate on the second reading was of extraordinary length, being continued through five successive nights. As a full report of it would be sufficient to fill a great part of our volume, we must, of course, confine ourselves to a few leading features.

The Lord Chancellor spoke first. He began with recapitulating the grounds on which the mode of proceeding adopted appeared to him the most eligible, as well as with defending the decisions, both positive and negative, which had been passed upon various points. Considering, then,

the general result of the evidence, if they looked at a few facts which had been proved by witnesses quite above all suspicion, and on whom no suspicion had been attempted to be cast—they would then be able to pronounce an opinion on the charge of adultery. Looking at the case in this point of view, it did appear to him, and it was with the utmost pain he said it, that he could draw no other conclusion than that there had been an adulterous intercourse. With respect to contradictions, and the contradictions which it might be said had been given to the evidence, it had been his duty very frequently to consider the effect which contradictions might have in summing up the judgment, if he might use the expression, in cases which had come under his observation. It might often happen, in the course of a trial, that circumstances were proved which might have no effect upon the real question at issue; and it might also happen that facts were alleged which it was impossible for any party to contradict. But, in cases where persons were called who spoke to a particular fact, other persons being present, and no contradiction was given with respect to that fact, (those persons being within the reach of the party whose interest it was to disprove the fact), then it appeared to him that the circumstance of these persons not being called amounted to a tacit admission, that the fact so charged was incapable of contradiction. Now, suffer him for a moment to lay out of the case all the evidence which has been called in support of this bill—to lay out of the case the evidence of Majocchi, and Demont, and Ratelli—(and when he desired that these might be left out, he was not presuming nor meaning to admit that these persons might not, in many circumstances, have spoken the truth),—but laying out of the case the whole

of this evidence, let their lordships travel with him to the polacre. Now, who went on board the polacre with her Royal Highness? There was Schiavani, Hieronymus, Bronn, the Countess Oldi, Carlino, Camera, and William Austin. He thought their lordships would feel with him, that if they were trying the mere question, whether Bergami and the Princess slept under the same tent or awning, whichever they pleased to call it, there could be no doubt on the subject. His lordship then went over other details of the evidence, to shew that they led to the same conclusion. In conclusion, he observed, “One word more as to what is passing out of doors, and then I have done. I take no notice of it, because I am supposed constitutionally not to be acquainted with it. But this I will say, let what may or will happen, that I shall here perform my duty. But your lordships have heard from the bar—what I was sorry indeed to hear from such a quarter, and what I never heard from it before—your lordships, I say, have heard an intimation, that, if you pass judgment against the Queen, you will most likely never have the power to pass another judgment. You have heard something like a threat held out to you. I declare that such a mode of addressing a judge was never before conceived to be consistent with the duty of an advocate, but whether an advocate be right in using such language or not, you will allow me to observe, my Lords, that it ought to have no effect upon you. You stand here as the great and acknowledged protectors of the lives, the liberties, the honours, and the characters, of your fellow-subjects. That trust ought not to be imposed upon you for a minute, if you can be actuated by any improper bias or feeling. For myself, if I had not a minute longer to live, I would say to your

lordships, 'Be just and fear not.' I know the people of this country. If you do your duty to them as you ought, whilst you preserve their liberties and the constitution, which has been handed down to you by your ancestors, the time is not far distant when they will do their duty to you—when they will acknowledge that it is the duty of those to whom a judicial task is imposed to meet reproach, and not to court popularity. You will do your duty, and leave the rest to the wisdom and justice of God, who guides the feelings and sentiments of mankind, and directs the end and tendency of all human affairs. Having thus discharged my own individual duty, I leave it to your lordships to decide what is to be the fate of the bill now upon your lordships' table."

Among the speeches made in defence of the Queen, that of Earl Grey was peculiarly distinguished for the copious, profound, and candid manner in which he considered the subject. He could not but express astonishment that the pompous array of charges preferred should have been reduced to the sudden elevation of Bergami, and the scene on board the polacre. On the first subject he agreed that the great favour shewn to Bergami, and the intinacy contracted with him, were deviations from her Royal Highness's rank, and he could not help wishing that she had acted more carefully. But impropriety, although a natural cause of suspicion, was no proof of guilt; and, in his apprehension, there were circumstances and habits which ought to qualify and mitigate that suspicion. Although it might appear paradoxical, he considered that there was something in Bergami's situation which furnished less ground for suspicion than would have existed had he been a person of superior rank.

When it was recollected that sovereigns were, in situation, as much above the rest of mankind as a person on a lofty mountain was above the passenger on the plain beneath him, it would not create surprise if it sometimes happened that they acted as if they had lost sight of the proportion which existed between themselves and those below them. Besides, they claimed the right, as well as possessed the power, to exalt individuals from the lowest stage in society to the most distinguished rank and the highest honour. He agreed with his noble and learned friend on the woolsack, that the advancement of Bergami differed very much from that of individuals who, after long years of exertion, worked their way to distinction either in the bar or the church, the army or the navy. He likewise thought with him, that it was one of the noblest points of the British constitution, that it placed no bar in the road to promotion before any individual. Still he could not forget, that all history, both ancient and modern, and especially our own history, was pregnant with examples of persons elevated from the lowest to the most exalted stations, from no other motive than caprice and favour; and, as was said by a noble friend of his, it was seldom found that those who obtained that good fortune did not let in some part of their family to partake of it. The rapid elevation of Bergami—and he did not mean to assert that it was not a circumstance of suspicion—ought then to be considered with some qualification, especially when it was recollected where her Majesty was at the time residing. She was in a country surrounded by war, of which the convulsions, however they might hereafter terminate, had shaken society from its very basis—she was in a country where she every day saw, on

the one hand, individuals who had been reduced from affluence to poverty, and, on the other, individuals who had been exalted from obscurity to distinction, by the appalling events of the French revolution—she was in a country whose very sovereign had risen from a situation in life as humble and as obscure as that of Bergami—nay, more, she knew that, at that very time, the government of England was in amity and alliance with another monarch whose origin was equally low and contemptible. He again repeated, that the elevation of Bergami was suspicious; but their lordships wanted something more definite than those suspicions, on which so much stress had been laid. The Lord Chancellor had said, with respect to Majocchi and Demont, that though he thought that there were many contradictions and inconsistencies in their evidence, he could not go so far as to say that they might not have spoken a great deal of truth. He (Earl Grey) would allow that it was possible that upon some occasions they might have spoken truth; but their lordships could not depend upon their evidence in any single point, unless they were upon that point confirmed by that of some unimpeachable witness. Earl Grey thought that the Counsel for the Queen might have good reasons for not calling the reserved witnesses, particularly Mariette and the Countess Oldi. If the Counsel had called them to depose to a single fact, they would have laid them open to a cross-examination as to her Majesty's conduct during the whole of that time, and also to the declarations—for that was a point not to be neglected—which they might have made in the course of it; and should they have been caught tripping upon a single point in the whole of that long period, the lynx eye of his noble friend

on the cross-bench would have immediately detected it, and they should have been told that neither of them was entitled to credit. Because they were absent, no one surely could say that their lordships ought to join in a verdict of guilty against her Majesty, as if that indeed were the only question which they were called upon to decide. As to another leading point, Earl Grey would now admit, that, by the evidence of five witnesses, and the admission of Lieutenant Hownam, the fact of the tent scene on board the *polacre* was placed before them. His noble friend had stated, that the admission of Lieutenant Hownam came on her Majesty's Counsel by surprise, and that, from the moment it was made, the whole course of the defence was altered, and an endeavour was made to prove a conspiracy. This certainly was not the fact. He had listened with the utmost pleasure and attention to the strain of eloquence, correct reasoning, and legal argument in which her Majesty's case was opened by her Attorney-General, and he certainly did not recollect him to have stated, as a part of his case, an admission that Bergami slept under the tent; but he was equally certain that his learned friend did not state that he meant to set up a denial of that fact as any part of the defence, which he assuredly would have done if he had intended to introduce such a denial. Besides, if his memory did not fail him, Mr Williams, in his admirable comment on the evidence that had been called, and his eloquent and perspicuous statement of that which was to be brought forward, distinctly admitted that the fact would not be disproved. No attempt was made to alter the course of the defence, in consequence of any thing that had been stated by Flynn or Hownam. It was, it appeared, intended originally that the de-

fence of the Queen should not be supported by any effort to cast a doubt on the fact that Bergami had slept under the tent. The principal circumstance that took place on board the polacre, was, as he had just observed, proved by five witnesses, and supported by the admission of Lieutenant Hownam; and it amounted to this, that during five weeks Bergami did sleep under the tent of the Queen. The question was, were their Lordships to infer from this that the criminality of the Queen was so decisively proved as to justify a verdict of guilty? The conduct imputed to the Queen did not appear to him to come before their lordships surrounded by all that mystery and concealment which commonly attended the tracing of a man, in the night, to the apartment of a woman, and his staying there, under those peculiar circumstances which would only lead to one inference and conclusion. It was a circumstance of a suspicious nature, which he regretted to have occurred, and for which the reason and excuses that had been assigned did not appear to him to be altogether satisfactory. That circumstance might, however, have existed under the peculiar nature of the case; and considering how her Royal Highness was situated on board the polacre, it might have appeared consistent with perfect innocence. The statements of Gargiulo, leading to an opposite belief, appeared to him on many grounds liable to suspicion. Looking to the danger to which her Royal Highness might be exposed; considering that Bergami, who was raised to the rank of her chamberlain, (whether improperly or not he did not mean to inquire), though he slept under the tent, did so when the hatches were open, which was always the case, he could not bring his mind to infer, from the

circumstance of his reposing there, that a criminal familiarity existed between the parties. If even a case was made out, which left no doubt on his mind that a connexion subsisted between Bergami and the Queen, he would still never admit that it had taken place on board ship. Was it not ridiculous to suppose, because they went on board together, that they must have an intrigue? Every man must feel, looking to the situation in which the Queen was placed, fatigued and exhausted with constant exertion, that such a period was not suited to the indulgence of passion. At such a time motives of such a nature could not exist, while, on the other hand, reasons more consistent with innocence could be found for the conduct she was said to have pursued towards Bergami. When this was the case, it was for his noble friend to throw the doubt into the scale of the accused party, instead of laying it aside entirely. He would ask of their lordships who had been on board ship, and were used to the miseries of sea voyages, whether those sufferings did not for a time put an end to delicacy of feeling even in the most modest women, who were compelled by circumstances to act in a manner to which they had been previously unaccustomed. He admitted that a suspicion existed, but could they, from a suspicion alone, draw any fair inference of criminality that could authorise a verdict of guilty? Well, then, was the case to be made out by adding to it other facts, which did not stand on sufficient proof to be received by themselves? He alluded particularly to the sudden elevation of Bergami. They were, he admitted, matters of great suspicion, but taken together they were no more than suspicion, and could not amount to the fair conclusion of guilt, which alone



could justify the verdict of guilty. His Lordship finally urged, that this measure was not an impeachment, in which they must have acted strictly in their judicial capacity; it was a bill, and must be considered, in the view of policy and expediency. It was not his habit, his temper, or his disposition, to call upon their lordships to desist from a necessary act from fear or apprehension. For proof of this he could appeal to the whole course of his public life. But they were legislating in this case for the public interest; and legislating for the public interests, what could they consider of more importance than the tendency and necessary effects of passing this bill? That there were improper feelings excited, and excited by improper means, he did not deny. He lamented and reprobated many things that were done. He had, on a former occasion, expressed his regret and disapprobation that her Majesty had written such a letter to the King. He had no hesitation now in expressing regret and disapprobation at the answers to addresses to her Majesty. The Queen was ill advised in publishing such answers, and none could blame them more than he did; but they were not, therefore, to pass the bill. If her Majesty, in circumstances of peculiar difficulty, and to which she could not have been accustomed, had suffered her name to be connected with such writings, their lordships were not, therefore, to act under the influence of her conduct in that respect, to find her guilty of another and quite different conduct. But their lordships mistook the state of the public mind if they supposed that the feeling which prevailed throughout the country was the effect of such means as he had adverted to. A noble and learned Lord on the cross bench (Redesdale) had denied that there was any general feeling

in the country against the bill. He would ask that noble and learned Lord, whom he had seen, whom he had heard, what he had seen, or what he had heard, that could have authorised the noble and learned Lord to make this denial? From what was done, from one end of the country to the other, the reverse was manifest. It was done, not by the mob, not by the rabble; as a noble Lord had thought proper to characterise a part of the people—and he could not but lament that such terms should ever fall from any of their lordships, terms which only irritated and insulted, which served only to widen the breach between their lordships and the people, and which tended to deprive the people of their natural and legitimate support. He wished such expressions were never used in that house; but all farmers, artisans, and tradesmen, and all honest men in the country, were decidedly against that bill. This consideration deserved the attention of their lordships, and, in passing this law, it formed an important ground on which to rest their judgment. A division of the two Houses on this question was to be avoided as most inauspicious. It was not a mere division of opinion or judgment; it was a resolution and consent of this House to degrade and render infamous the Queen of the kingdom, while the House of Commons rejected such a proposal at once. Or, if the other House should receive the bill, the consequence would be most hazardous. They had seen that in this House, with only 200 members, and with every disposition to do their duty, there was the greatest difficulty in preserving the dignity and decorum that were necessary. How would it be, then, in the other House? How long, too, would this miserable case, which occupied their lordships so long, be in the other House? All

public business, all questions of the most essential importance to the welfare of the country, must be suspended; all the evidence of this case must be repeated there, and again circulated over the kingdom. If the honour of this country was of so much importance as to require this bill, what must all Europe think of the honour of Parliament in hearing, sifting, and entertaining details such as were before their lordships, and must, if they passed the bill, go before the other House of Parliament? He fairly avowed, that in the outset his prejudices and feelings were unfavourable to the Queen; he did think it possible that a case would be made out that would compel him to vote, however reluctantly, in support of the bill; but as it now stood, viewing it first as a question of guilt or innocence, and, next, as a matter of political expediency, he was bound to declare that he could never lay down his head in tranquillity in future, if he did not to his utmost resist its progress. He must therefore give the only vote he could reconcile to his honour and his judgment; and, laying his hand upon his heart, with the deepest sense of the solemnity of the occasion, conscientiously and fearlessly, before God, pronounce—Not guilty.

The Earl of Liverpool admitted with the noble Lord, that the question of expediency was one which merited the attention of the House, but he conceived that the time for considering that was the 12th of August, before the bill was brought in, and that now they had nothing to do but to consider, whether the preamble had been sufficiently proved. He wished to admit most distinctly, that whatever any noble Lord might think of all the allegations, no person ought to vote, and he desired that no person would vote, for the second reading,

who did not believe that the adulterous intercourse had been proved by sufficient and satisfactory evidence. One principal part of the evidence related to the elevation of Bergami, and this elevation gave a character to the whole of the transaction, which it was necessary for the House constantly to bear in mind. He did not enter upon this part of the subject for the purpose of giving an opinion whether the act of adultery had or had not been committed at Naples. If the bill depended upon that only, he should feel bound to find the Queen not guilty; suspicion he should undoubtedly entertain, but there seemed to him no evidence that carried the case at Naples beyond grave suspicion. The noble Lord then pointed out the care with which opportunities of indulging this passion had been sought. He had marked the care with which that point had been laboured; the learned counsel had felt that the polacre was a strong obstacle in their path; and had proposed to get over it by carrying an unsuspecting character up to the very point; but he denied that absence of taint; he alleged, not only that there was suspicion before that period, but that there was a moral certainty of guilt. Lord Liverpool finally addressed himself to those noble Lords who were convinced of the Queen's guilt, but did not think it expedient to pass the bill. He called upon them to look at the inconvenience which would ensue on the rejection of this measure, after the accusation had proceeded, and the parties joined issue as to the facts. Would not a rejection of the bill, if they believed her Majesty guilty, be a triumph of guilt under circumstances most fatal to the moral character of the country? He conjured them to reflect well on the consequences of such a proceeding in all their various bearings. Let them bear in mind that her

Majesty could not retire from the bar like a private individual, who might be acquitted from want of evidence or some other cause, and who, after her trial, would be again mixed up and lost sight of in the general mass of society; her Majesty would still be Queen of this country, while in the opinion of many of their lordships her character remained tainted with crimes of the most heinous description, though the adultery might not be legally established. Admitting that they were so situated that they must choose between opposite evils, he would contend that in all such cases the straight-forward course was the most expedient. Whatever might be the inconvenience, if they believed the Queen to be guilty, they were bound to proceed with the bill. He had too much reliance on the good sense and just feelings of the people of this country, to believe that the consequences of passing it would be fatal or injurious. The noble Earl had adverted to the clamour which had been raised upon this subject, and to the public discontent which the measure would create. It was also very truly stated by counsel at the bar, that there were disaffected men who converted this subject into an instrument of their own seditious purposes. Undoubtedly every grievance, every public misfortune, in times like the present, would only serve to increase the exertions of those who entertained designs hostile to the constitution. He did not mean to prejudice the case of the Queen when he attributed such views to some of those who surrounded her; but would to God he could say that she was free from all participation in their acts! But when he looked at most of the answers which had been returned to the addresses presented, he would ask any man whether a woman, conscious of innocence, would ever have offered,

adopted, or authorized such answers? If really innocent, she would have abided by the sentiments expressed in her answer to the first address, in which she said that she came to vindicate her own character, and desired that her cause might not be mixed up with any political question. It was at least manifest, that she had since admitted persons about her, who advised and acted in a way the best calculated to produce an impression of her guilt. Far was it from his intention, however, to excite any prejudice against her on that account, which should in the least interfere with the decision of this question. But, if their Lordships thought her guilty, and that by refusing to pass this bill, they would enable guilt to triumph, then let not any base principle of fear prevent them from the discharge of their duty. It was his sincere hope that all would vote neither from fear, from influence, nor from faction, but from an opinion founded on the evidence alone. If they acted steadily on this principle, the world would in the end do them justice. There was the utmost confidence reposed in that high tribunal; but, like all others, they stood before the still higher tribunal of public opinion. If they gave an honest vote, the calm and deliberate result of the solemn inquiry in which they had been engaged, they might confidently look up to that tribunal for its approving judgment. He would appeal to Him who alone knew the secrets of all hearts, and who could alone perhaps unravel all the mysteries of this case, whether his own conclusion was not true; or, if not true, whether it was not founded in integrity, in a disposition to temper justice with mercy, in a desire to inflict no punishment beyond what the necessity of the case required, and in a sense of what was equally due to the Crown and to the country.

The bill was opposed by Lord Erskine, Earl Grosvenor, the Earl of Rosebery, Earl of Harewood, Lords Arden, Falmouth, Ashburton, Howard, Enniskillen, Calthorpe, Grantham, Blessington, the Marquis of Lansdowne, the Marquis of Stafford, the Duke of Somerset, and the Earl of Rosslyn. It was supported by the Earl of Lauderdale, Lord Redesdale, the Earl of Donoughmore, Lord Grenville, the Dukes of Atholl and Northumberland. The Earl of Harrowby, though a minister, declared himself not prepared to vote for the divorce clause.

Lord Ellenborough struck out a course peculiar to himself, and which considerably influenced the House. As one of those who had concurred with the secret committee in recommending a solemn inquiry—as one who had agreed that it would be best carried on in a legislative form, and that the mode of proceeding actually adopted was the most convenient—as one, also, who had supported the bill on its first reading, but who now thought it highly inexpedient and detrimental to the public interest that it should proceed any farther—he felt a natural desire to state briefly the grounds of his present opinion. It had been said that no one ought to vote for the bill who did not think the Queen guilty; to which he would beg leave to add, that all who might vote against it did not think the Queen innocent. They had been exhorted to be “just and fear not;” a maxim which he would amend by saying, “be politic as well as just.” He had understood a noble Lord (Arden) to express a wish, either that the preamble should be greatly modified, or that the sense of the House should be expressed in some other way. If any change was to take place in the course which they were pursuing, the time and proper point for it had now arrived. This

was the occasion for considering what would be most conducive to the ends of public justice, and most accordant with public expediency. He certainly had expected that the guilt charged would be proved by evidence so clear, so unsuspicious, so untainted, and so irresistible, that no plain man could refuse to yield it implicit credit. He had expected that it would produce a material change in the opinion of the public, and had thought that the investigation, both in its progress and result, would harmonize with the national feeling. Whether it was necessary for him to state his own impression, on a review of all the evidence, he scarcely knew; but if it were, he must avow that he could not declare the Queen innocent, and he was unwilling to pronounce her guilty. At the same time it appeared to him that in some respects guilt was clearly proved, and that several material allegations had been substantiated. Others were certainly not made out to his satisfaction, and he was unwilling to vote for a bill of this description if it rested at all upon suspicious testimony. His chief reluctance, however, to give any farther support to this measure, arose from the strong and almost universal feeling which existed against it. This feeling, he was aware, sprung out of delusion; and if the whole inquiry should prove abortive, it would be the most disgraceful triumph of falsehood over truth that the world had yet witnessed. He had always looked at this question as one of public morals and national character. The bill was intended to affix a mark of infamy, but what was the probable consequence if it passed? It would be regarded as an act of violence; it would not produce its effect; it would cause a re-action, and bring about a result directly opposite to those views with which alone it could be enter-

tained. With these considerations he felt himself impelled by a sense of duty to vote against the second reading of the bill. But whilst he entertained this opinion, he should think it most inexpedient, he should think it a great desertion of duty on the part of that House, if, after what they had learned of the Queen's conduct, they were to pass over it without censure. The Queen of England was a public character; she exercised high functions; he meant not that she was to advise or act in the administration of public affairs; but that she stood forth in the public view as a model and example of female conduct. All that was required of her was that she should be a correct model and example in this respect; and in this respect it was that the present Queen utterly failed. Every unprejudiced man who had heard the evidence, every man who lived at all in the world, would admit that the Queen was one of the last women whom he would wish his wife to resemble—one of the last whom the father of a family would propose as an example to his daughters. He did not, however, conceive that the bill could become expedient under any modifications. He would rather propose expressing the sense entertained by the House of her Majesty's improper conduct; also a diminution of her dignity, by limiting the allowance for her support. Anxious as he was for the honour of that House—feeling as he did that its power was essentially necessary for preserving the balance of the constitution—considering the peculiar nature of this measure, which imperatively called on them to act in the spirit of justice and sound policy—mindful also of the circumstances that might flow from its enactment—looking to all these points, and being strongly actuated by them, he would undoubtedly give his vote against the

second reading of this bill. But he trusted the House would not separate without a very strong expression of their Lordships' feeling and opinion on the subject of the Queen's conduct, founded on the untouched part of the evidence—on that portion of it which was not suspected, and which no man could deny.

On the 7th November the grand division took place, when there appeared for the second reading 123, against it 95; forming a majority of only 28; a smaller one than had been anticipated.

On the following day her Majesty, through her usual channel Lord Dacre, presented the following protest:—

“CAROLINE REGINA.

“To the Lords Spiritual and Temporal in Parliament assembled.

“The Queen has learnt the decision of the Lords upon the bill now before them. In the face of Parliament, of her family, and of her country, she does solemnly protest against it. Those who avowed themselves her prosecutors have presumed to sit in judgment upon the question between the Queen and themselves.—Peers have given their voices against her who had heard the whole evidence for the charge, and *absented* themselves during her *defence*. Others have come to the discussion from the *Secret Committee* with minds biassed by a mass of slanders, which her enemies have not dared to bring forward in the light.

“The Queen does not avail herself of her right to appear before the committee; for to her the details of the measure must be a matter of indifference; and, unless the course of these unexampled proceedings should bring the bill before the other branch of the legislature, she will make no reference whatever to the treatment ex-

perienced by her during the last 25 years.

"She now, most deliberately, and before God, asserts that she is wholly innocent of the crime laid to her charge; and she awaits, with unabated confidence, the final result of this unparalleled investigation."

A considerable discussion arose whether this protest did not so far reflect on the dignity of the House, as to render it unfit to be received. The Chancellor, however, at last moved, "That this House, notwithstanding the exceptionable matter in some parts of the paper now presented, does nevertheless, under all the circumstances of the case, consent to receive the same as the representation of what her Majesty has further to state to the House in the present stage of these proceedings."—The motion was carried.

The House now resolved itself into a committee, for the purpose of considering the particular clauses of the bill. The alterations made upon it were merely formal and verbal, till the divorce clause came under consideration. The Archbishop of York came forward with a decided objection to this clause. He knew not where any mention was made in the word of God of a religious expediency that could justify this measure; and, regarding marriage as a sacred and solemn ordinance of religion, he must look on the word of God, and on that only, as the guide of his conduct on such an occasion. He could not, therefore, consent to retain the divorce clause; and yet if it were not retained, and the other provisions of the bill remained in force, they would exhibit the extraordinary, he might almost say, the monstrous spectacle of a degraded Queen continuing to be the consort of the Sovereign. He saw no possible way of extricating himself

from this dilemma but by opposing the bill altogether. In voting yesterday against the second reading, this was the difficulty that influenced his decision. It was not that he felt any hesitation in making up his mind as to the evidence, but he felt himself justified as a legislator, and under all the circumstances of the case, in saying "Not content;" conscious, at the same time, that had he been called on to decide in a purely judicial character, he would have said "Guilty." He conceived, however, it would have been much better for the interests of religion and morality, if the bill had never been introduced.

The Bishop of Chester had voted for the second reading, only on the understanding that the divorce clause was not to make part of the bill. The Archbishop of Canterbury, on the contrary, defended divorce on scriptural grounds; and being convinced that the charge was proved, could see no objection to the bill standing in its present form. The Bishop of London held the same opinion. The King, he conceived by the Constitution, could do no wrong; he could not commit folly, much less crime. There was therefore no room for recrimination. The divorce was passed as a penalty of crime, not as a personal relief to any party concerned. He could see therefore no bar to it.

The Earl of Lauderdale could not agree with the Right Rev. Prelate, that there could be one law of divorce for the King and another for the subject. Although, therefore, he believed the Queen to be guilty, and was ready to concur in depriving her of her public station, he could not help objecting to the clause of divorce.

The Earl of Darnley would say, (and he should say it with much satisfaction,) that it did appear to him that their lordships could neither pass the bill with the divorce clause,

nor without it. They could not degrade, unless they could divorce her. Could the wife of the King be any other than the Queen? He had heard much, it was true, of the omnipotence of an Act of Parliament; but he did not suppose it had the power of altering the nature of things.

The Earl of Donoughmore expressed surprise at the opinion of his friend the Earl of Lauderdale. In this case the King was prosecutor only as the head of the state; he had not appeared in his individual or personal capacity, and from hence he went on to infer the total absence of any analogy between the present measure and ordinary divorce laws. He deprecated the little respect and regard which had been manifested for the feelings of that illustrious individual (his Majesty) in the course of this proceeding. It was agreed that her Majesty was unfit to be Queen; but, said certain noble Lords, "Let her remain Queen—tie her still to his Majesty,—we will give him no hope."

The Earl of Harrowby thought, that under the present circumstances, and after the long and recognized separation which had already taken place, there was no propriety in the clause of divorce.

The Earl of Liverpool had never considered divorce as the object of the bill: and though he himself did not feel the force of the objections to it, he had always declared his readiness to concur in its omission, if felt as revolting to the religious feeling of any part of the House. It was said, that in this case the House could not degrade the Queen without following the degradation up by a clause of divorce; and that if the latter were not adopted, the measure would be a bill of degradation against the King, instead of the Queen. Now, he could not at all concur in this opinion.—Suppose for a moment that the case

were of a Queen who had committed the crime of felony, one of the highest known to the law, would anybody say that that were not enough to justify her degradation from her rights and prerogatives as Queen? Would not that justify a measure of separation, though for it no divorce could be inflicted. With respect to the high station of the parties, it had the disadvantage of exposing one of them to the effect of widely circulated calumnies, which he could not consistently with the dignity of his station publicly refute. And with respect to these calumnies, he must say, without meaning to bear hard upon the Queen, that it was highly improper for those who could not know the whole of what might have occurred between the parties, to pronounce in a harsh and calumnious manner upon one side of the question between them.

The Chancellor felt many doubts and difficulties on the subject. In conclusion, he stated that no man had ever been guilty of more cruelty and injustice than he had been, in acting upon the evidence in divorce clauses, if the testimony now upon the table were not sufficient to support the clause under consideration. It was his anxious wish, that each of the noble Lords, as yesterday, should explain his opinion, whether this clause ought or ought not to stand, with a notice of the grounds on which that opinion rested. As for himself, he wished to reserve his judgment until he had obtained all the light upon the subject that could be procured.

The leading opposition Peers, the Marquis of Lansdowne, Lord King, Earl Grey, the Earl of Carnarvon, and Lord Holland, now came forward, and gave their decided support to the divorce clause, enlarging upon all the inconsistencies and absurdities which would arise from its omission. Although this course bore an aspect un-

friendly to the Queen, it was, in fact, a highly politic measure, with a view to her interest. As it appeared that many Lords had voted for the second reading of the bill, only under the understanding, and on the condition, that this clause was to be omitted, the retention of it insured a diminution of the number who would vote for the third reading. Earl Grey openly avowed this as the only ground upon which he could have given his vote, for a clause, of which, as of the whole bill, he entirely disapproved. Lord King, on this occasion, made some sallies which amused the House.—There had been a confusion of opinions amongst the Ministers—there had been a confusion of opinions amongst the lawyers—and a confusion of opinions amongst the learned Prelates. He was extremely sorry that the noble and learned Lord on the woolsack had not derived from those to whom he had looked with such confidence, information of a more convincing and enlightened character. But if he had not received instruction from the Reverend Prelates, he could derive consolation from them; for among them, as among Lawyers, there appeared difficulty and doubt. Adverting to the injustice of being biased by reports, he could not deny, that there were some which had considerable influence upon his mind. At the period to which he had alluded, it was said that the Queen had been guilty of the greatest indecencies, not with Bergami, but with other persons; that her Majesty, at Blackheath, had been guilty of indecorum with Lord Liverpool!—and that she had played at blindman's-buff with the Chancellor of the Exchequer! He could not refer to the exact period at which those extraordinary and indecent proceedings took place—

The Earl of Liverpool.—“They never took place!”—

Lord King.—“I cannot, I assure

your lordships, refer to the exact time, but it must have been, I think, when the noble Earl was out of place, and looking for means to get into office, before the Regency!”

The Earl of Liverpool.—“Never; upon my honour!”—

Lord King said, it was then an instance to the noble Earl of the infidelity of reports.

Lord Redesdale supported the divorce clause. The Chancellor finally declared, that his own opinion was in its favour, but that he was willing to yield to the religious scruples of others, and was disposed to go along with his friend Lord Liverpool.

In consequence of the junction between the Queen's friends, and the most decided among her adversaries, the divorce clause was carried by the large majority of 67, (129 to 62). It was a remarkable circumstance to see nine Cabinet Ministers in this limited minority.

On the following day, (November 10) the discussion on the clauses continued. The Earl of Lauderdale observed, that a highly distinguished nobleman (Earl Grey) had openly declared that his view in voting for the divorce clause was solely to put an entire stop to it. He asked whether the noble Lords who differed from him in opinion would aid this trick and manœuvre by voting against the third reading. Earl Grey rose with great warmth, and repelled the imputation as unjust, unfounded, and calumnious. He must say, that to be accused of tricking and manœuvring in his conduct, when he openly avowed the motive and the object of that conduct, appeared to him the most extraordinary and unauthorized charge ever made in that house. He repelled with indignation and disdain—and he was almost inclined to use a much harsher word—the imputation that, for any earthly object, he would consent to practise tricks and



manceuvres ; and he appealed to their Lordships, whether his intention, with respect to his vote, had not been openly and candidly avowed. \* Nothing was more justifiable or more common in Parliamentary practice, than for a member who strongly disapproved of any measure, to endeavour to clog it with conditions which would procure its rejection. He hoped that those noble Lords who had given a pledge that they would not vote for the bill with the divorce clause, would now redeem that pledge, and get rid of the bill altogether.— Lord Lauderdale explained that he did not mean to use the words trick

and manœuvre in any reproachful or unparliamentary sense.

Some trifling modifications in the terms of the bill were then discussed, and the House adjourned till the following day.

Next day (11th November) a good deal of desultory conversation took place, but without the possibility of bringing forth any thing new on so beaten a subject. The vote at length being loudly called for, the numbers appeared—

For the third reading,	108
Against it,	99
Majority,	9*

## MAJORITY.\*

Lord Harris	Bishop Ely	Earl Chatham
Ross (Glasgow)	St David's	Harcourt
Meldrum (Aboyne)	Worcester	Warwick
Hill	St Asaph	Graham (Montrose)
Combermere	London	Pomfret
Hopetoun	Viscount Exmouth	Macclesfield
Manners	Lake	Balcarras
Ailsa (Cassilis)	Sidmouth	Home
Lauderdale	Melville	Coventry
Sheffield	Curzon	Rochford
Redesdale	Sydney	Abingdon
St Helens	Hereford	Shaftesbury
Northwicke	Earl St Germans	Cardigan
Bolton	Whitworth	Winchelsea
Carrington	Verulam	Bridgewater
De Dunstanville	Cathcart	Marquis Conyngham
Rous	Mulgrave	Anglesey
Saltersford (Courtown)	Orford	Camden
Stewart (Galloway)	Manvers	Northampton
Stewart (Moray)	Rosse	Exeter
Douglas (Morton)	Nelson	Headfort
Grenville	Powis	Cornwallis
Suffield	Limerick	Buckingham
Montagu	Donoughmore	Lothian
Gordon (Huntley)	Belmore	Queensberry
Somers	Mayo	Winchester
Rodney	Longford	Duke Wellington
Middleton	Mount-Cashel	Northumberland
Napier	Kingston	Newcastle
Colville	Liverpool	Rutland
Gray	Digby	Beaufort
Saltoun	Mount-Edgecombe	Earl Westmorland, C. P. S.
Forbes	Strange (Athol)	Lord Chancellor
Bish. Cork and Ross	Abergavenny	Arch. Canterbury
Llandaff	Ailesbury	Duke Clarence
Peterborough	Bathurst	York

Immediately after the vote, Lord Dacre put in a petition from the Queen, praying to be heard by counsel against the passing of the bill.

The Earl of Liverpool rose immediately, and said that he apprehended such a course would be rendered unnecessary by what he was about to state. He could not be ignorant of the state of public feeling with regard to this measure, and it appeared to be the opinion of the House that the bill should be read a third time only by a majority of 9 votes. Had the third reading been carried by as consider-

able a number of Peers as the second, he and his noble colleagues would have felt it their duty to persevere with the bill, and to send it down to the other branch of the legislature. In the present state of the country, however, and with the division of sentiment so nearly balanced, just evinced by their Lordships, they had come to the determination not to proceed farther with it. It was his intention, accordingly, to move that the question do pass that the bill be put on this day six months.

Earl Grey entered into a vehement

## MINORITY.

Lord Breadalbane	Lord Clifton (Darnley)	Earl Ilchester
Erskine	Saye and Sele	Egremont
Arden	Howard	Fitzwilliam
Ellenborough	De la Zouch	Portsmouth
Alvanley	Clinton	Stanhope
Loftus (Ely)	Dacre	Cowper
Fitzgibbon (Clare)	Audley	Dartmouth
Bayning	De Clifford	Oxford
Gwydyr	Bishop Gloucester	Rosebery
Calthorpe	Viscount Granville	Jersey
Downay (Downe)	Anson	Albemarle
Yarborough	Duncan	Essex
Dundas	Hood	Thanet
Selsea	Leinster	Denbigh
Mendip (Clifden)	Torrington	Suffolk
Auckland	Falmouth	Derby
Gage	Bolingbroke	Marquis Bath
Fisherwick (Donegal)	Earl Blessington	Stafford
Amherst	Bradford	Lansdown
Kenyon	Morley	Duke Portland
Sherborne	Minto	Brandon
Berwick	Grey	Devonshire
Ashburton	Gosford	Bedford
Bagot	Romney	Grafton
Walsingham	Rosslyn	Richmond
Dynevor	Caledon	Somerset
Foley	Enniskillen	Archbp. Tuam
Hawke	Farnham	York
Sunbridge (Argyll)	Carrick	Duke of Gloucester
Ducie	Carnarvon	
Holland	Mansfield	Contents, 108
Ponsonby (Besborough)	Fortescue	Non-contents, 99
Grantham	Hilsborough (Downshire)	
King	Grosvenor	Majority, 9
Belhaven	Delaware	In all, 207

invective against the conduct of ministers in the whole course of the bill. He charged the servants of the Crown with the grossest neglect of duty, in the first instance, in listening only to *ex-parte* evidence, and giving a willing credence to the most exaggerated and unfounded calumnies. They had thus for many months agitated the nation—they had produced a general stagnation of public and private business—and they had given a most favourable opportunity, were it desired, to the enemies of internal peace and tranquillity. They had betrayed their King, insulted their Queen, and had given a shock to the morals of society by the promulgation of the detestable and disgusting evidence, in the hearing of which the House had been so long occupied. The result had been, that, after inquiries, secret and open—after the grossest calumnies and the foulest libels had been made the subject of detail and debate for 50 days—after all the injury that it was possible to do the Queen had been accomplished, the bill was abandoned, not without reason, but assuredly without apology. Lord Erskine expressed the delight he felt, that, after all that had been threatened and performed, he had yet at length lived to see justice—tardy and reluctant justice—done to the Queen. It was the victory of right and innocence over wrong and malignity. The Duke of Montrose, on the other hand, declared his unaltered conviction, that the charge had been proved, and that he could never consider her as his Queen.

The motion, that the bill be read this day six months, was then carried unanimously.

The intelligence of this issue was received by the great body of the people with unbounded rejoicings. Nothing, it is true, could be substantially less brilliant, or satisfactory to

the royal personage. Several of the Lords who spoke against the bill, and even a part of those who protested against the second reading, declared their full conviction of her guilt; while others, only conceiving that there was still a doubt remaining, claimed for her, as for every accused, the benefit of that doubt. The friends of the Queen, however, were prudent enough not to look so narrowly into these particulars, but accepted this as a full and triumphant acquittal. The multitude indulged themselves without reserve in their usual tumultuary modes of displaying exultation. London was illuminated to a great extent during three successive nights. A prohibition to celebrate the event in Edinburgh in the same manner, was revenged by the mob, by breaking every window in several of the principal streets. Every city and township throughout the kingdom had its jubilee. A new series of addresses was entered upon, in which her Majesty was congratulated on the glorious issue of the proceedings against her, and by which her innocence was declared to have shone forth brighter than noon-day. The streets of the metropolis continued covered with successive processions of lightermen, watermen, bricklayers, glass-blowers, and other enlightened public bodies, proceeding to pay their homage at Brandenburg House. Her Majesty's procession to St Paul's might be considered as the zenith of her triumph, after which this vast and continued tide of popularity began sensibly to ebb. It was soon observed that the acquittal, as it was called, had made no change in the feelings of the noble families of England, and that not a single female visitor of high rank had in consequence swelled the court of Brandenburg House. At the same time, sober men, attached to the existing order of things, began to be

struck with alarm at the aspect which matters were assuming. The public mind appeared to be in a ferment altogether unprecedented; the press teemed with the most indecent personal attacks on the head of the state; and the Queen, by placing herself at the head of the faction most eager for innovation, appeared likely to give it a new importance. This part of the nation, which had hitherto viewed in a sort of inert and paralyzed attitude the torrent of strange events, began now to bestir itself. The course pursued was, to evade all mention of, or opinion upon, recent proceedings, and to confine themselves to general professions of loyalty, of attachment to his Majesty's person, and of horror at the anarchical principles which were now afloat. In the universities, the Scotch county meetings, and other aristocratic and corporate bodies, resolutions of this tenor were carried easily, and by great majorities. In the towns, however, it usually happened, after the sober and steady persons, whose presence was alone desired, had taken their seats, that an unbidden and unwished-for crowd rushed in, and either negatived the proposed address, or appended to the

general professions of loyalty some fatal clause, giving to the whole a character directly the reverse of what had been contemplated. On these occasions, secession was often the resource of the original party; and at last it became the system to get on foot two rival addresses, which were eagerly hawked about, and names, by every expedient, collected by their supporters. In London a singular phenomena took place; the Court of Aldermen having presented an address replete with loyalty, while the Common Council followed next day, with one which might be considered as a personal insult on the Sovereign. In the English counties, bodies containing a large confusion of popular elements, the struggles were eager, and the events various. Upon the whole, however, a gradual change took place in the public mind; the enthusiasm in favour of one side of the Royal House suffered a remarkable abatement; while the other, from being the object of perpetual satire and lampoon, began to advance towards that personal popularity which soon after expressed itself so strongly, and has ever since continued without abatement.

## CHAPTER VIII.

## FRANCE.

*Meeting of the Chambers—State of Parties—Assassination of the Duke of Berri—Law restraining individual Liberty—Law on the Press—Law of Elections—Violent Disturbances—Modification of the Law—It passes—Finances—Military Conspiracy—Minor Objects.*

THE French Legislative Chambers met on the 29th November 1819. Every thing portended a stormy session, though not storms so terrible as those which actually ensued. Hitherto the system adopted by the King at his last return to power had proceeded in a tolerably smooth and successful tenor. His object had been to form a *centre* or middle party between the fierce conflicting elements of the ultra royalists on the one side, and the extreme liberals on the other. Amid the lessons taught by recent events, and amid that moderation which usually sways public bodies on their first entry upon their functions, a considerable body in both Chambers were led on principle to approve and adopt this system. These members, joined to others who were secured by the influence of the crown, enabled the ministry to maintain a steady, though somewhat narrow majority, over the two opposite sides, even when they united against the centre as a common enemy. Moderation, however, in political bodies, is a circumstance usually of very ephemeral duration. In the course of successive debate and conflict, the passions on each side were continu-

ally roused; personal enmities were superadded to political contentions; and each threw himself farther into the extreme of the party to which he had attached himself. Thus, at every election, and in the course of every successive session, the opposite sides of the Chamber gained continual accessions, and pressed closer and closer upon the narrowing majority in the middle. It became at length evident that this last would soon lose almost all those who were attached to it from principle, and would be confined to such as the influence of the Crown could command; in short, that it would be converted into a minority. In this urgency, it was only by some bold and decisive measure that ministers could hope to preserve their political existence. The course upon which they determined, was one liable to manifest objections. It was no other than to introduce a new principle of election, by which the nomination of the Chamber of Deputies should be thrown more into the hands of men of large property, who, it was expected, would adhere to the existing administration. Without entering into the abstract merits of the

plan, it was impossible not to observe that it was rendered very critical by the present situation of France. In a state shaken by so many successive agitations, the great object was, that it should be allowed to settle and consolidate itself, which it would only do by continuing in the same position. To begin shaking afresh the very basis upon which it rested, had a direct tendency to involve the monarchy in new perils. Accordingly, on the rumour of this project, there arose throughout France an alarm and fermentation, which, as usual in cases of any remarkable innovation, was greater even than the occasion warranted. Petitions were poured in from every quarter, remonstrating against such a breach of the original charter.

The King, on opening the Chambers on the 29th November, indicated, not obscurely, that some changes were in contemplation. Amid the general satisfaction diffused by the security of peace, by the liberation of the French soil from the presence of foreigners, and by the prospect of a gradual reduction of the public burdens, he could not conceal that elements of fear were mingled. A vague inquietude had taken possession of men's minds, and, in order to ensure the permanence of the constitution, it must be placed on a firmer basis, and secured from shocks the more dangerous as they were frequently repeated. As founder of the charter, he felt that some ameliorations were necessary to secure its power and its action. It was necessary to give to the Chamber a longer duration, and free it from the annual shock of parties. Thus only could they save the monarchy from "the licence of public liberties, and finally close up the revolutionary abyss."

On the very threshold of this session, a question arose, which called forth the most violent and inveterate party feelings. Gregoire, of regicide

celebrity, had been elected as fourth deputy to the department of the Isere, a choice which was sounded throughout the kingdom as a signal triumph of the republican party. The ministry demurred to this appointment, and the royal dissatisfaction was announced by his not receiving any *lettre close* inviting him to attend.

The committee to which this election was referred, endeavoured to evade the delicate discussions which it was likely to involve, by founding its nullity upon the circumstance, that Gregoire, being resident at Paris, could not, according to art. 42 of the charter, represent the department of the Isere. To any other motive they merely alluded by observing, "We are thus freed from the necessity of examining a question much more serious, which agitates every mind, since the report of this nomination resounded throughout the kingdom; a question of political morality, which calls up the most grievous recollections, by reminding us of the horrible crime which the nation in mourning goes every year to expiate at the foot of our altars." They finally expressed their wish, that the nation might never be obliged to deliberate on persons, and to censure the acts of the electoral colleges.

The reading of the report was scarcely finished, when the most extraordinary tumult arose in the assembly. The left side pressed for an immediate vote, while the right demanded a debate; and each endeavouring to carry his point by mere clamour, nothing was heard but a confusion of tumultuous cries. The President at length declared the meeting dissolved, but without the least attention being paid by any one. At length, when this storm had continued for three quarters of an hour, Baron Pasquier succeeded in raising his voice above it. He represented so forcibly the absolute necessity, that every proposition should be dis-

cussed before it was voted, that a general acquiescence took place.

M. Laine, on the royalist side, after slightly attending to the ground of nonresidence, on which the committee proposed to exclude the candidate, proceeded at once to what he considered as the real ground, his unworthiness of being elected. There was no formal law, it was said, by which this could be made a principle of exclusion. "Gentlemen," said he, "our legislature has respected the French too much to prohibit literally their sending such a man into the representative assembly. But there is a law which has no need of being written to be known, to be executed. This law is not kept in perishable archives; it is not subject to the caprices or varying wants of a nation; it is preserved in an incorruptible tabernacle, the conscience of man; this law is eternal; it is immutable in all times and in all places; it is called reason and justice; in France it bears likewise the name of honour. The electoral college of the department of the Isere ought to have judged that a man could not be elected who is the object of so terrible a public notoriety; who cannot be admitted without the violation of public morals and national honour. All these outrages are committed when they attempt to open the gates of this assembly to the fourth deputy of the Isere. The case is clear, either this man must retire before the reigning dynasty, or the race of our kings must retire before him." He insisted also that the omission of the King's letter was sufficient to exclude him, and that a deputy could not be considered national by being merely elected by his college, nor until it had received the sanction of the Chamber.

Benjamin Constant, in strenuously supporting the opposite side of the question, dwelt chiefly on the nomination to the ministry, in 1815, of Fouché, a man who had not only figured through-

out the whole course of the French revolution, but "who had pronounced that fatal vote, that vote over which the friends of liberty, above all others, have groaned, because they felt that it gave an almost mortal blow to liberty." The King sought thus to give an incontestible, brilliant, sublime proof of his complete oblivion of the past. He thus declared, that he intended not vengeance, but fidelity to what he had promised. "The King wished, gentlemen, that the presence of the man whom he had called into his counsels should be a living proof that the word of kings is sacred, and that every engagement contracted by them is irrevocable." He insisted, therefore, that it would be depriving the King of all the fruits of his magnanimous effort, and acting in a manner directly contrary to his, if they were to reject a deputy on the ground of unworthiness. "It is in the name of the King, in the name of all that he has done to re-establish tranquility and concord, in the name of the fruits which we already reap from his prudence and wisdom, that I call upon you to put aside the question of unworthiness."

Manuel, another of the leading deputies on the liberal side, attacked the very principle of making unworthiness a ground of exclusion. To add another ground to those which the law had traced, was ruining the freedom of elections, and depriving the citizens of every legal means of defending their rights. Such a step would be an open violation of the article of the charter, which prescribed to all silence and oblivion respecting whatever votes and opinions had been emitted in the course of the political troubles of France. When would there be an end of the consequences, if mere opinions, emitted in a moment of fear and effervescence, were to constitute unworthiness. Upon this principle, all who had taken a share in the numerous addresses

hostile to the reigning dynasty, which had been predated during the whole course of the revolution might come to be considered as political offences.

Benoît Paquin, replying to Benjamin Constant, argued that the step which the King, moved by his natural sentiments of clemency, and by high political considerations, had once taken, was one which could be taken by him alone. The benefit could not be turned against the benefactor. M. Corbieres opposed M. Masuel upon the principle itself. The constitutional question, which the opposite side were attempting to stifle, was, whether a regicide could sit in the French Chamber of Deputies. If he was admissible there, he was admissible also into all high functions of state; he would return into our armies, drawing in his train the revolution, and all our calamities. It was said that all opinionists ought to be represented; but the question here was, not about opinions, but crimes; crime now, for the first time, sought to be represented.

Scarcely had M. Corbieres finished his speech, when M. Rayez proposed the vote. A tumultuary assent was given by the great bulk of the assembly, which rose up and pronounced the sentence of non-admission; after which the sitting was terminated amid cries of *Vive le Roi*. This sudden and irregular close was unsatisfactory, not only to numerous members who had wished to speak, but to the zealous of both parties, who, agreeing in the propriety of exclusion, wished each to have it pronounced according to his own peculiar principles.

The Chamber being constituted, the first conflict of parties was occasioned by the proposition of the minister of finance, that government should be allowed provisionally to draw the first six-twelfths of the taxes on landed and personal property. The committee,

however, to which the proposition was referred, recommended that the vote should be limited to four-twelfths. This measure was supported by M. de Bourdonnaye, in a speech remarkable by the views it gave of the political state of France. According to him, liberty was "advancing with giant steps, ready to devour us. Displacing power, it undermines every day our rising institutions, places without the Chambers the influence which ought to be exercised by them; opposes to their deliberations the expression of a faction, often factious, and always insolent opinion." France was affected with a political gangrene, which threatened to swallow up the whole social body. These evils he attributed in a great degree to the fluctuating and indecisive measures of ministry, and could, therefore, by no means agree to repose in them that confidence, and place that power in their hands, which would be done by the present vote. M. Decazes, in reply, maintained, that the ministers had not attached themselves to any party, but that their system was supported by a majority, both in the Chamber and the nation. He wholly denied the allegations which their enemies were circulating, that they meant to carry their point by any violent and unconstitutional means. Ministers finally carried the vote by a majority of 137 to 39.

The Chambers now approached that high debatable ground, the theatre of those conflicts by which the session was to be so terribly agitated. We have already noticed the alarms excited through France by the understood purpose of altering that part of the charter which relates to the law of elections. Any symptoms of royalist encroachment excited through France the dread of more than the mere loss of political rights. It raised throughout the whole body of landed proprie-



ness a fear which had been always connected with the Bourbon dynasty, the fear of the resumption of emigrant property, sold or confiscated, at the commencement of the revolution. Numerous petitions against the projected innovation were, therefore, poured in even from the most remote villages. By the 8th January the commission had received 139, containing about 19,000 signatures. The committee thereupon made a report to the Chambers, unfavourable to the reception of these petitions. None of them, it was observed, had been signed by any of the local authorities; on the contrary, several public functionaries described them as obtained by individuals going through the villages, announcing the return of tithes and the feudal system. Many of these petitions had been evidently signed without being read, and many contained expressions offensive to the Chamber. As they did not solicit the reparation of any act of injustice, they could only be considered as unconstitutional attempts to fetter the proceedings of the representative government.

The reading of this report caused an extraordinary tumult. M. Dupont, having first obtained liberty to speak, censured it with the utmost vehemence. He could not but admire the heroic courage of the committee, in thus proposing to repel, by a single vote, the wish of nineteen thousand citizens, who demanded, in the name of public peace, the maintenance of the constitutional compact, which the deputies were bound to defend by their honour and their oath. Last year petitions had been sent in by hundreds in favour of the law of elections; they had been kindly welcomed, and no danger had been apprehended; but now that the policy, that is, the interest of the ministry, made them wish to change this law, these petitions, so innocent last year, were found to be infected with

vices of every kind. The assembly was not a public opinion, which had always declared itself in favour of the charter, and the law of elections; it would be elsewhere, if the Chamber should adopt the advice of the committee. As to the agitation felt in the departments, the orator ascribed it solely to the projected change, and to the fears thence entertained as to the stability of the political contract which united the prince to the nation.

M. Pasquier, in reply, insisted that the petitions, as they were presented, had a direct tendency to exercise an illegal influence on the legislative authority. Nothing could be more groundless than the alarm which had been spread for the maintenance of the charter, and of the sales of national property. The words "touch the charter," were used in an occult, mysterious sense, calculated to blind the weak and ill-informed. The petitions had been all formed on one model; they had been hawked about from village to village, from shop to shop, preceded by the report of the re-establishment of tithes and of feudal rights. However much he might applaud the zeal of those who communicated to the Chambers useful information, he could never allow that all the citizens, of every profession and every age, some scarcely beyond infancy, students, soldiers, should be able, by a petition, to oblige the Chambers to deliberate on any subject which might have attracted their attention. The number of those who sought this presumptuous initiative could not be compared to that of the citizens who waited in a just and respectful confidence for the result of the legislative discussions. Messrs Castel Bajac and Barthelemy Bastide supported the rejection still more warmly, representing that the petitioners were not one to every commune; that France wished an election-law which should not introduce into the Chamber

the resolutions of the Chamber of Deputies, tending to supply the initiative of the King by the initiative of the multitude. Dr. Cassin, General Foy, and Benjamin Constant, argued, that the petitions should be strictly deposited in the Office of Inquiry; but, after two days of stormy debate, their entire rejection was carried by a majority of 117 against 112.

In the Chamber of Peers, M. de Seze laid down still more rigorous limitations on the right of petition. It could be admitted, he thought, only in matters connected with private interest, and the redress of individual grievances, but could not be allowed in the case of a legislative proceeding. The petitioners had no information qualifying them to discuss points so important; and, indeed, every species of collective petition might be branded as a form of sedition. Although the measure was opposed by Counts Daru, Lanjumeau, and Segur, as tending to overthrow entirely the right of petition, it was carried by the great majority of 109 to 46.

This check did not slacken the zeal of the petitioning bodies, who continued to pour in addresses, till they amounted to five hundred and more, covered with from fifty to sixty thousand signatures. On the 9th March, M. Dupont made an attempt to obtain their reception, but his motion was negatived without any discussion.

The next measure proposed was one tending to fix the right of those who had formerly made purchases of the national domains. It was acceptable to all parties, the liberals only wishing to introduce alterations in some particular clauses.

This law was generally understood to be only a device, intended to smooth the way to the main object of the session—the introduction of the

law of election. Yet the session was eagerly expected, because it was to last from day to day, and various points of opinion were understood to prevail among ministers on the subject. The classification of the electors, the influence to be allowed to property, the integral renewal of the Chambers, and the diminution of the frequency of election, were all questions on the details of which varying opinions were held. Amid the debates and delays arising out of this state of things, an event of the most terrible and unexpected description arrested all men's attention, and placed its basis the whole political system of the French monarchy.

The Duke de Berry was the youngest of the two sons of the Count d'Angoulême (now Monsieur); but as he had lately married a Sicilian princess, the hope of issue which was wanting in the Angoulême family, made him be regarded as the only channel by which the race of Bourbon could be perpetuated. This circumstance proved fatal to him. On the evening of the 19th February, after having been present at the opera along with his duchess, a weapon resembling a rude poniard was struck into his breast. At the first moment the check appeared to himself and his attendants to have arisen from an indecent push of one of the bystanders; but soon discovering how dangerous the wound was, he called out, "I am wounded!" On drawing out the weapon, the duchess was covered with blood which burst from the wound. He was carried to a neighbouring saloon, and the first medical men in Paris being hastily called, soon recognised that the wound was of the most dangerous nature. Accordingly, without giving time, he expired the following morning at half past six. The nation, immediately on learning this horrible deed, rose to fight; but being closely pursued by

of the Prince's attendants, and his route happening to be blocked by a carriage, he was speedily taken. He was found to be a person of the name of Louvel, holding a menial employment in the King's stables. On being interrogated, he declared that he had no accomplices, nor any who knew of the deed; that he had meditated it in his own breast for four years. He had acted solely from public motives. Considering the Bourbons as the most cruel enemies of France, he sought to exterminate them, and had begun with the youngest, and the one who appeared most likely to continue the race. If he had escaped on this occasion, he meant to have successively assassinated the other Princes, and the King himself. Being afterwards brought to the Louvre, and the dead body of his victim exhibited to him, he did not testify the slightest emotion. Several were arrested in consequence of suspicions inspired either by their known political sentiments, or by expressions of exultation reported to have been used on hearing of the event; but no proof could be established against them; nor was there found in Louvel's apartment, or among his effects, any thing which could implicate in the slightest degree any other individual. Three months spent in preparing for his trial were equally unproductive of any discovery. On being placed before the House of Peers he displayed a calm and gloomy physiognomy, and repeated the confessions formerly made. He disavowed, in the strongest manner, all sense of injury, or hostile feelings of a personal nature, towards the Duke, or any of the Bourbons; he had regarded them only as the enemies of his country. He professed as solemnly as ever the total absence of all accomplices, and added, that he was not in the habit of reading either journals or pamphlets. His advocate, M. Bonnet, endeavoured to make some

kind of defence, by representing him as affected by that species of madness which consists in the mind dwelling continually upon a single idea. He urged also the wish for his pardon which had been expressed by the dying Prince. Louvel, when called for his own defence, made a speech which was considered a repetition of the crime, and which was, therefore, never allowed to be published. He openly justified the action of which he had been guilty, and, on the same principle, the death of Louis XVI; he compared himself to Brutus, and to the most illustrious of those who had died in the cause of liberty. Being condemned to death, he was executed on the 7th of June. An immense crowd attended; but, though Paris was then much disturbed from other causes, no attempt at tumult took place, and the event passed in the most profound silence.

An event of so deep and appalling a character could not fail to redouble the violence of those political contentions, with which France was already so strongly agitated. The immediate effect of the feelings excited, was decidedly in favour of the royalist party. No proof had indeed appeared of this crime being the result of any combination, or even of its having been prompted by any writings or discourses of the opponents of government. But, amid the emotions inspired by such a catastrophe, nice distinctions or inquiries were not likely to be made; every thing was swallowed up in the general impression. Besides, though such a combination of crime and madness could only originate in a peculiar and fanatical atrocity of individual character, yet this might, in consequence of a violent fermentation in the public mind, have been raised to such an extreme and preternatural pitch. Feelings, which might otherwise have fermented in gloomy silence, might thus have been roused to desperate action.

Under these views, ministers considered themselves justified in bringing forward restraints upon the liberty, both of action and writing, such as are supposed to be rendered necessary in turbulent and dangerous times.

A violent effervescence appeared at the meeting of the Chamber of Deputies on the 14th. The first proceeding was marked by an almost frantic burst of personal animosity. Clausel de Coussergues, mounting the tribune, denounced Decazes, minister of the interior, as an accomplice of the assassination of the Duke of Berri. Loud cries of order! order! resounded through the assembly, and the orator being immediately silenced, the President read the letter by which the President of the Council announced the event which had taken place. A warm debate followed, and the sentiments of the royalist party were strongly expressed by M. de la Bourdonnaye. He could not but perceive in this deplorable crime, the action of an imagination exalted by that political fanaticism which was daily sapping the foundations of the throne. The object was, to raise on their ruin those new powers which a delirious philanthropy had sought in the sovereignty of the people, the numerical power of the multitude, and in that law of the strongest, against which the social contract was drawn up. At the view of an issue so dismal, it must be the first object of a political body to crush in its germ a fanaticism which leads to such fatal results; to chain anew that revolutionary spirit which can only be restrained by an arm of iron; to silence those daring writers, who, emboldened by impunity, excite to the most odious crimes. He proposed, therefore, that the address should communicate the decided wish of the Chamber to suppress those pernicious doctrines, which, sapping at once all thrones and all au-

thorities, threatened the whole civilized world with general destruction. General Foy, in expressing the opinion of the liberal part of the Assembly, argued that the address should be entirely devoted to the expression of the grief which absorbed every heart. Of all Frenchmen, none regretted the Prince so much as the friends of liberty, because they knew that its enemies would avail themselves of this dreadful event to deprive the nation of all those rights which had been granted to it by the wisdom of the sovereign. A secret committee being appointed, an address was drawn up, and carried unanimously, where the Assembly, besides the expression of their grief, added the assurance that they were ready to concur with equal energy and devotion, according to the order of their constitutional duties, in the measures which the wisdom of his Majesty might judge necessary in such grave circumstances. A similar address was voted in the Chamber of Peers.

On the following day, the wild charge against Decazes came again under consideration, and a vote of censure was moved, declaring it rash and calumnious. The charge, however, was still maintained by its author; and though it met with no belief in the Assembly, yet a very strong animosity against the minister manifested itself both on the right and left sides. This was not diminished, when Decazes appeared in person, to propose the new law of elections, as well as two others imposing restraints upon individual liberty. The unpopularity of the minister appeared now so evident, that it was considered impossible, at so tempestuous an era, to carry on the grand objects which the executive had in view, without a change of management. He resigned on the 18th February, under the pretence of ill health. The King, to express his satisfaction with his ser-

nice, created him a Duke, bestowed on him other marks of favour, and, a few days after, appointed him ambassador to the British court. On the 21st, the Duke de Richelieu was appointed his successor as President of the Council, and Count Simeon as Minister of the Interior.

The conflict of parties in the Chambers was now to open. On the 15th February, M. Pasquier proposed in the Chamber of Peers the law upon individual liberty, a measure nearly similar to that in England suspending the Habeas Corpus Act. Ministers were to have the power of arresting, without bringing to trial, all persons reported as guilty of plotting against the government. These orders were to be delivered only in council, and signed by three of the ministers. In supporting his project, the minister asked, was not this the crime of a fanatic, blinded and led astray by the perverse opinions which were published every day with impunity? could they be so happy as to think that there was only *one* fanatic? were they not duly warned, by this unforeseen blow, to watch over the preservation of this ancient and sacred throne, the youngest branch of which had been cut down by a sacrilegious hand?

The law was referred to a committee; and, notwithstanding its urgent nature, eighteen days were spent in preparing the report upon it; a delay which indicated a considerable difference of opinion among the members. On the 5th March, the report was presented by M. Vivien, but with a statement that it was not unanimous. It recommended as a measure of precaution, though there appeared no reason to think that the crime in question had been the result of any plot. It proposed, however, to limit the period of detention for each individual to three months, and the duration of the law itself to the end of next session.

M. De Cardonne ~~said~~ <sup>argued</sup> that this measure could not admit of a moment's hesitation. "What!" said he, "when the purest blood which has flowed under the parricide knife, warns us in a terrible manner of the fatal designs of the wicked; when the views of the factious are no longer concealed; when doctrines subversive of legitimate monarchy and social order are publicly preached and placarded; when guilt raises an impious and insulting head, and points out, as it were, with the finger its victims; is it possible that we can refuse to government a measure of prudence and precaution, a hundred times less severe than those by which our neighbours have judged it necessary to secure their establishments in circumstances less critical."

General Foy, on the other hand, considered the proposed measure as an open violation of the charter. Ample security was afforded by a penal and criminal code, given by a master gloomily suspicious, and who, in his active life, had more than once passed close to the poniard. It was in vain to say, that by intrusting the power to ministers in person, they would be preserved from the intrigues of inferior agents. Government must know upon what head to direct its blows. "See in an instant arrive from all quarters the band of informers; see official denunciations, and officious reports, showered down in torrents. Are you then ignorant, gentlemen, that the recollections of 1815 live still in every heart, and that enmities are a thousand times more active now than then? Vainly would you seek in the departments a leading man, a municipal functionary, a judge, who has not his decided profession of political faith. Every town, every village, has its right side and its left side. That middle party, on the amplitude of which so many hopes were founded, becomes every day weaker; and these laws will infallibly com-

pel all that remains of it, to seek in every condition the security which the torn charter can no longer offer. The orator then represented the illegal influence which might thus be exercised over all acting in public capacities, political writers, electors, judges, jurors, even the deputies themselves. What would have been felt by the generous Prince, who, in dying, forgave his assassin, if he had known the miseries which his fate would bring upon the whole nation? How would posterity reproach them, if, at the funeral of a Bourbons, the liberty of the nation was made to serve as a hecatomb?

Martin de Gray eagerly supported the same side, insisting that the present was an insulated crime, committed by an uncultivated being from among the lowest classes of society, leading a gloomy and solitary life, and who had meditated the crime for four years; that is, before the nation had obtained those liberties to which this atrocity was imputed. The whole nation was seen in grief and tears; and was it to be considered guilty of the crime which it deplored? Were we a nation of assassins? A mad fanatic, possessed by the delirium of religious frenzy, slew the great and good Henry IV. Were we then to tear the gospel, to break the altars, to deny the ineffable name of the divinity? Another madman, impelled by a frenzy of a different species, strikes one of his descendants; must we then tear the charter in pieces, trample the rights of the nation under foot, and blaspheme liberty, the first of blessings?

Count Simeon, in defending the law, could not but remark the exaggerated statements made as to the effects of a temporary measure, which had been provided by the charter, which had something similar to it both in the Roman and English governments, which was guarded by every precau-

tion, and from which the nation had nothing to fear. There had been too evident symptoms that the elements of Louvel were shared by many both in Paris and in the provinces. The most criminal imprecations, the most atrocious wishes, had been expressed against persons the most august. These imprecations, these execrable wishes, had been everywhere presented under the same form, as if they came from a common centre. The same identity had been found in the alarming reports spread at the same moment over every part of France, and which announced, sometimes insurrection in this or that department, sometimes the landing of Napoleon in Spain or America. Mysterious prophecies, calculated to make a powerful impression on the vulgar, had announced the extinction of the royal family at the end of 1820. To all this was added the exhibition of the signs and emblems of the last government, the repetition of the songs which recalled the memory of it. These songs, half veiled, derived a new attraction from their mystery, and had become a real mode of action against the government.

M. Simeon was answered by Benjamin Constant, in an elaborate speech. A year ago, he said, a calm and progressive amelioration was every where observed. Every heart was filled with hope, and penetrated with attachment to the national institutions. On a sudden ministers had declared war against all the guarantees of our liberty. Then, indeed, France was shocked, and a grievous fermentation was remarked from one extreme of the kingdom to the other. But this fermentation manifested itself only by legal expressions, and had nothing in common with the execrable assassination of an amiable prince, which was of no benefit to any of the political systems to which it was attributed.

pute it. The law now presented formed part of a system meditated, organized, announced, tending to nothing less than to overturn the whole existing government, and to establish an absolute monarchy. Thus the precious blood, the blood for ever to be regretted, which had now been shed, would serve only as a pretext to impose chains on an innocent irreproachable nation, which shrank with horror from this crime. The projected law would be the ruin, not only of the liberty, but of the justice, the morality, the liberty, and the prosperity of France. The abyss of counter-revolution was about to be opened, the barriers raised against it by the present ministry were shaking, were giving way, and would quickly fall. The Convention, the Directory, Buonaparte, had governed by laws of restraint; where was the Convention? where was the Directory? where was Buonaparte?

M. Pasquier undertook to reply to the different orators who had spoken against the law. He justified, by repeated examples, the occasional exertion of an arbitrary power in a free government. This arbitrary power, which could only be justified by necessity, was much less injurious when it was clearly expressed and sanctioned, than when it was disguised under the appearance of liberty. The idea of a counter-revolution, or of the return of the ancient regime, he treated as utterly ridiculous. The stream of time does not reascend to its source; history affords no example of such a counter-revolution. Revolutions, indeed, occurred in revolutions; but the following generation is obliged to accept the consequences of destruction which the preceding has left. Ruins upon ruins, this is the true produce of revolutions. France has been so happy as to terminate hers in an unhopèd-for manner, and it would not be the good fortune of her Kings which would

throw her back into her former career of miseries and endless dissents. The persons who circulated such absurd calumnies, were those who wished for revolution.

After four days debate, the law in general was carried by a great majority; but the same period was afterwards consumed in warm debates on the particular clauses. One of the most contested was that proposed by Lacroix Framville, that the benefit of counsel should be allowed to the person apprehended on suspicion. This was objected to, as affording to the prisoner a mode of communicating with his associates. It was rejected by a majority only of nineteen. The clause was carried against ministers, by which the period of detention for any individual was limited to three months; a salutary regulation, which seems wanting in the English Habeas Corpus Suspension. Another clause, proposed by M. Guittard, was, after a discussion of unexampled obstinacy, carried by a majority of nineteen. It bore, that no arrest could take place during the night. The law was to expire of itself, if not renewed, in the following session.

In the Chamber of Peers, a debate of three days took place, in which all the reasonings employed in the Chamber of Deputies were urged afresh. The law was opposed by Marshal Jourdan, and, what excited greater surprise, by M. Chateaubriand, who espoused on this occasion the cause of liberty. The most remarkable speech on the other side was that of the Duke de Fitz-James, which drew great attention from his situation under the Duke de Berri, and from his details relative to the state of the capital. He painted these ferocious songs, repeated with such constant perseverance, these songs which began the very night of the assassination, and which they had the heroism to go and repeat



under the very windows of the Duchesse of Berry. These placards, these anonymous letters, these threats, not only to us, who have been so long accustomed, that we no longer pay attention to them; but against him for whom they knew that we are ready to sacrifice our life a thousand times. What execrable invectives, addressed to a father, whose august grief would have softened real tigers, but has apparently only irritated the thirst of blood which devours our revolutionary tigers. What shall we say to the existence of these clubs, gloomy caves, in which we are counted on our benches, and every poniard has the place assigned in which it is to strike. See also the coincidence of all that passes around us with what passes within; the Sands and the Thistlewoods repeating in their respective countries the lessons which they have learned in our school; see homicide and regicide converted into precepts, and recommended as a work of glory and immortality; see Spain become the prey of a military faction, and of vile traitors, dishonouring the name of soldiers, kissing the hand of the prince whom they are preparing to betray; — are all these accumulated proofs not sufficient to reveal the existence of a plot, which advances rapidly towards its catastrophe?

After a good deal of further discussion on particular articles, the law passed finally in the Upper House, by a majority of 121 to 86.

The next law proposed by ministers was one equally critical and important; the re-establishment of the censorship on the journals. It was introduced first by M. Decazes into the Upper Chamber. According to the project submitted by this member, no journals, no periodical, or semi-periodical writings, could appear without the authority of the King, and they were to be subjected to a previous censorship, carried on by a commission of three peers, three deputies, and three

irrevocable magistrates. The project, which necessarily commanded, and which was called for alike by the safety of the throne, and the maintenance of its most sacred institutions. If the crime itself, and the blood of the illustrious victim, did not speak so loud, the confessions, or rather the apologies of its infamous author, would teach us what are the detestable fruits of the fatal maxims, the doctrines subversive of social order, the regicide principles, which are preached with such audacity since the journals have been freed from every restraint.

Notwithstanding the aristocratical character of the assembly to whom this project was addressed, it did not meet with a very favourable reception. Independent of the general unpopularity of the measure, even the high royalists were afraid of its being executed with equal rigour against them as their antagonists. The resignation of Decazes deprived it of the support of its author. The consequence was, that the report of the committee presented on the 23d February was decidedly unfavourable to the measure. It observed, that the crime of Louvel, meditated during four years, could not be the result of the liberty of the journals granted only nine or ten months ago. It admitted, indeed, that the liberty of the journals had been abused, and that there was room for stricter and more precise laws against its offenders; but with regard to the censorship, a measure destructive of the liberty of the press, the precautions taken to ameliorate it appeared null and insufficient. The censorial commission included three magistrates chosen by the government, the remaining over of member from each chamber, would be sufficient to give it a majority.

Notwithstanding this unfavourable judgment, ministers eagerly pursued the project. M. Pasquier made a distinction between journals, pamphlets,



and books. It was by books, not pamphlets, that the world had been enlightened. "Let us view the state into which society has been thrown by the license of the journals; everywhere the passions have been worked up to the highest pitch, enmities have become fiercer, resentments have been embittered, and the horrible catastrophe, under which we are destined long to groan, is the direct consequence.—Two hundred years ago, it was religious fanaticism by which the poniard was sharpened. Now, all minds are under the dominion of another fanaticism—that of political opinions.—What are the organs of this fanaticism? By what is it cultivated, supported, exalted? Who can deny, that it is by journals and periodical writings? Whatever exception we may make of men honourable by their character, and remarkable by their talents, who have not disdained to descend into this *arena*, it is impossible not to stigmatize another race of writers, who, borrowing by turns every mask, employ the frightful art of courting and wielding to their benefit the most shameful, abject, and infamous sentiments which can enter the heart of man. Such is the government of the journals, which have no power to improve, and can only destroy; they overthrew the Constitution of 1791, which gave liberty; they made tremble that horrible Convention, which, however, made the world tremble. There was no government strong enough to withstand the license of the journals, such as it now existed in France. It was only by degrees that this liberty had been established in England, and it might be so one day in France; but at present it was impossible that the government, without the aid of the censorship, could apply an efficacious remedy to the abuses of the press.

The minister was supported by Doudeauville, Saint Roman, Clermont

Tonnerre, Lally Tollendal, Germain, and Deseze. Clermont-Tonnerre hesitated not to assert that the principle of the liberty of the press was indissolubly connected with that of the sovereignty of the people; it had never produced any but fatal results to France. On the other hand, the Duke de Broglie, Count Lanjuinais, the Duke de Praslin, and Count Daru, opposed the measure. The first considered every restraint prior to publication as useless, and the evil as having arisen less from the inadequacy of the law, than the negligence of its execution; Praslin regarded it as unconstitutional in matter and form, contrary to the royal prerogative, and to the right of citizens; and finally such, that no modification could justify its being adopted by the Chamber.

In the course of the discussion several amendments were made, according to which the journals and periodical writings actually existing were to continue to appear, so long as they conformed to the regulations of the law; the commission of censorship was rejected, and the power was simply vested in individuals named by the King; lastly, the insertion of the law was limited to the end of the session 1820. Under these modifications, it was carried on the 18th February, by the very slender majority of two, (106 to 104.)

In the Chamber of Deputies, the law was introduced by Count Simeon, with the strongest assurances of the moderation with which it would be exercised. The censors, whatever their own opinion might be, were to allow every thing to be said which was useful, according to the legitimate end of political writing; they were to tolerate all opinions, unless they were evidently contrary to the principles of morality and religion, of the charter, and of monarchy; they were to leave all the acts of administration and of public functionaries open to the most

prying investigation; they were only to strike out abuse and insult, and to protect persons and functionaries against accusations a thousand times more formidable than those which are carried before tribunals, where there are means of defence, while here there are none.

The report of the Committee of Deputies was favourable to the measure. They began with stating indeed, that some part of their number was decidedly hostile to it. According to them the liberty of the journals was inseparable from that of the press. Vigilant sentinels, advanced guards, these checks were to a representative government what speech is to man; they formed a correspondence and a tie between all similar interests; they left no opinion without defence, no abuse in the shade, no injustice without avengers. The minister learns beforehand what he has to hope or fear; the people what will be useful or injurious to them; the journals give wings to thought, and afford that sudden publicity and seasonable manifestation which nothing can supply; attack openly the liberty of the press, or respect that of the journals, the law makes no distinction between them.

In opposition to this opinion, however, the majority of the committee thought that there were peculiar circumstances in the state of France which rendered the unrestrained liberty of the journals at present unsafe. The diversity of opinions and interests destroyed or created in a revolution of twenty-five years, formed a terrible situation which had no parallel in the history of nations. It was important then to maintain the rights acquired by the nation, but without hatred and without violence; to make France a united people; to conclude a treaty between the belligerent parties; to shut the gates of that arsenal of abuse, where every one went to seek poisoned arrows. The scandalous abuse of

the journals had been admitted even by the defenders of their liberty, and offended the majority of the Chambers and foreign governments, and placed public liberty in danger.

The warm and prolonged debate which followed was much less employed in the discussion of the particular project, than in a general attack and defence of the whole system of ministry, and particularly of all that series of measures of which the present formed a part. "We are at such a crisis," exclaimed M. Bignon, "that if individual liberty, the liberty of the press, and the liberty of elections, are taken from us, not only will there be neither charter nor constitutional monarchy, but there will be neither monarchy nor despotism; there will be nothing but revolution and anarchy. The power will rest with the strongest; who will not then shudder at the dangers to which the nation will be exposed?"—"It is not three months," said Benjamin Constant, "since, censuring what did not accord with your doctrines, you quoted to us the example of Spain! In that country there were no limits to power, no journals carrying liberal ideas into all the villages, no legislation separate from the religion of the state, no law of democratical election. On the contrary, all that you wish to give us, Spain possessed. Your law against individual liberty is only a poor copy of the measures which peopled the castles, the convents, the galleys. Your restrictions on the press would have made the inquisitors smile. Your law of oligarchical election will never be so good as the Council of Castile. Well! what has been the result to Spain of all that you seek to introduce into France?"

The strongest impression, however, was made by the speech of Camille Jordan, an individual rendered highly respectable by age and talents, who had been intimately connected with ministers, and was still a member of the Coun-

cil of State. "A member," said he, "of the committee which examined the project, and having differed from the opinion of the majority, I think myself called upon to explain my motives, and not to give an entirely silent vote on this grave occasion. It is with feelings of deep grief that I mount this tribune. Anxious respecting the destinies of the country and of the throne, I cannot but be afflicted also at the painful situation in which my duty places me, when, a functionary of the government, I feel myself called upon to resist the measures proposed by it; when, united with many of his Majesty's ministers by old ties of affection and esteem, I am called to combat those whom I should have been so happy to defend. But I obey the voice of my conscience; nor is it till after a scrupulous examination, and with the most entire conviction, that I have decided upon such a dissent, and its public expression. It appeared peculiarly the part of us, old partizans of royalty, early victims of revolutionary persecution, here to raise our voice, and to give to the opposition against ministry the character which it ought to have, that of an opposition animated by no feeling of bitterness, founded upon principle only, and whose fears are still less for liberty than for the throne, which is more directly and immediately menaced."

Ministers, following the train of opposition, directed their efforts to defend less the law in question, than the general system of administration, and even the fundamental principles of the constitution. "It is alleged," said M. Pasquier, "that the charter has not been accepted by the nation, like all the other constitutions which have successively governed us. Strange acceptances, to which nothing was ever wanting, except freedom and conviction. Buonaparte found all routes easy to his designs of supreme greatness, because

he could place himself on the ruins of anarchy, while we owed anarchy only to the delirium of liberty. Nothing, accordingly, was offered to France, but the lifeless semblance of a liberty of which she had never felt anything except the excesses. Thus it was with the consular and imperial constitutions; they were not really chosen by the nation, but deliberated and accepted in the manner that it was then allowed to deliberate and accept. Legitimacy follows another course; she admits no forms but those which are real, and respects them when once adopted. It is studiously repeated, that in 1814, the charter was only a word, and existed only in name. But perhaps it was not possible at first to act otherwise. I ask, if those who pass censures so severe, and I venture to say so dangerous, what government has been, in point of fact, more liberal? The misfortunes of foreign occupation were doubtless terrible; but how rash are those who dare to reproach, even indirectly, an august family with those evils, which, without it, would have passed all imaginable measure! France, partitioned perhaps, or escaping this evil only by ten years of internal war, which would have spread devastation over the whole surface of this fine country; a national bankruptcy; a population destroyed; an agriculture annihilated; such are the evils from which we have been a second time rescued by that standard of the *libly*, which an orator lately has scarcely feared to reproach with the protection which we owe to it."

The Minister for Foreign Affairs observed, that in all the speeches of the opposition, one principle reigned, which was, in case of the adoption by the Chambers of the laws proposed, to invoke, to foretell, to threaten an insurrection, in which the strongest should give the law. On this subject, however, the minister trusted that

France had not yet lost all the fruits of her experience. Her own history told her that the insurrections of soldiers are always mortal to liberty; and not their insurrection only, but even their intervention. She could not forget days yet living in her annals, where they were written in characters of blood. Yet the enemies of government had looked abroad through Europe to find, if possible, a spark out of which they might kindle the conflagration which they desired to exhibit. A great movement had taken place in Spain, in which the troops had taken a share, and even given the first impulse; cries of joy were raised. The ministry for foreign affairs were already threatened with an accusation for not having shewn themselves sufficiently favourable to this new revolution. The minister ardently wished the happiness of the Spanish people, and that by erecting upon new bases the alliance of the throne and of the nation, they might give at once to public liberty and to the rights of the crown every desirable security. At the same time, he feared not to say, that if liberty did not, from its very dawn, cause the arms to fall from the hands of those soldiers, who could for a moment forget that they had received them only under an oath of obedience to the King; if this error were prolonged beyond the first moments of its birth, all was over with the liberty, the repose, the happiness, of the Spaniards. Let Spain then be free, great, and happy, with her King; but let us not forget that the point which she is rushing forward to, is that at which France is already arrived.

In the discussion of the particular clauses, a number of amendments were moved by the left side, which, however, were all rejected, though by small majorities. The law itself was finally carried by a majority of 136 to 109. Warm as had been the debates on the two laws now passed, they were

only the prelude to that tremendous conflict, in all which the political elements of France were to rush in battle array against each other, and the shock was to be felt in the farthest extremities of the kingdom. The Parisians looked forward with intense anxiety to what they called the "battle of the elections," which was to decide whether an essential change, tending to increase the power of the monarchy and the aristocracy, was to be made in the constitution.

According to the law of elections, established by the charter in 1815, the right of voting was made to depend upon the amount of direct taxes paid by every individual to the state. Every one paying 300 francs (about 12*l.* 12*s.*) was a voter. This test was not, perhaps, very happy, since it was liable to fluctuate with every change in the financial system. At the same time, the amount fixed did not tend to narrow the qualification so much as might in this country be supposed. The direct taxes in France exceed those levied by any other mode. The land-tax forms the largest source of its revenue; and the contributions on trades and professions are equally considerable. Probably, therefore, the direct taxes paid in France by all possessed of property, rather exceed than fall short of the tenth of their income. In this manner, the privilege of election was extended to nearly the whole of the middling class, a body, generally speaking, very well qualified to exercise it, and who are too much excluded under the British system. At the same time, as the proprietary classes form a pyramid, the breadth of which very rapidly increases as it descends, the consequence follows, that in voting by numbers, the lowest class admitted carries every thing before it. Thus the Chamber of Deputies was appointed almost entirely by the middling class, to the exclusion of the higher and the lower;

and such a monopoly, even by the best class, cannot be considered as an eligible mode of forming a national representation. Had it not been, therefore, for the great peril of shaking the basis of a constitution once established, there might be little objection to an arrangement which should enable the great proprietors to elect a certain proportion of the assembly. Neither, indeed, however little such an idea was likely to enter the minds of the French government, and however little partial we ourselves are, on the whole, to universal suffrage, should we have objections to a few broad democratical elections, such as we have in England—to give a kind of life to the representative system; to form a tie between the Chamber of Deputies and the mass of the people, and to compose even a species of safety-valve, by which a large portion of popular effervescence may escape. Nothing of this kind, however, entered at present into contemplation. The ministers scarcely even made it a secret that the object was to preserve in power themselves and their own party, whose measures, of course, they considered best calculated to promote the national interests. They openly proclaimed the necessity of that, which we complain of as a grievance, a fixed and steady majority, on which they might depend. From the great proprietors they hoped to obtain support against the republican party, on the one hand, and on the other, against the high royalists, whose views, being supposed to tend towards the restoration of emigrant property, struck terror into the numerous class by whom that property was held.

In the project of the new law, brought forward by the Duke de Razes, 162 members were added to the Chamber. These were to be chosen by what were called departmental colleges, to be formed of from 100 to 600 electors, each paying at least 1000

francs of contribution, and chosen by a majority of the general body of electors. Another article went to alter that arrangement, by which the Chamber was renewed, not at once, but by the going out and re-election of one-fifth annually. This regulation had been made in the hope of obviating that wide tumult and agitation, which is excited throughout Britain by a general election. In fact, however, it proved that election, going on throughout the kingdom, though on a smaller scale, had very nearly the same effect; and that this period, whenever it occurred, was marked by an increase of that tendency to political discussion and agitation, which it was the main object of ministers to counteract.

It soon appeared that this project was likely to meet with a very cold reception in the Chamber. The liberals detested its aristocratic tendency; while the royalists considered it still too popular; and both, equally hostile to the present ministry, were determined to oppose any measure which tended to keep them in power. The committee named to examine the project, was so composed as to afford a sure presage of its recommendation being entirely hostile to the measure. When, therefore, Decazes, its original proposer, withdrew from office, there remained no longer any influence which could afford to its partizans the hope of success.

In this state of things, Count Siméon, the new minister of the interior, judged it prudent to withdraw the original proposition, and substitute another, essentially different in its character. The renewal of the Chambers by a fifth annually was to remain unaltered, and the only change to be in the mode of election. The newly created, or departmental colleges, were to consist of the fifth part of the electors of a district which paid the highest amount of taxes. The colleges of *arrondissement*,

or those formed on the original plan, were merely to elect candidates, out of which the new, or aristocratic colleges, were to choose the deputies.

This new project, it was alleged, made a smaller departure than the original one from the letter of the charter. In fact, however, it aggravated in the greatest degree all its offensive features. The new colleges, though they could not directly choose an individual deputy, could scarcely fail to find among a number presented to them by the colleges of *arrondissement* some one of the same political sentiments with themselves. Politically speaking, therefore, the power of election was entirely transferred to the departmental colleges, or those in which the great proprietors predominated; while the old colleges, in which the middling ranks prevailed, were allowed only a remote and nugatory interference. Thus, indeed, the project was rendered more acceptable to the high royalists, but the enmity of the liberals, and of the nation in general, was increased tenfold.

While the project was under the consideration of the committee, an event occurred, tending strongly to increase the exasperation that prevailed in men's minds. A petition was presented from Madiet de Montjau, counsellor of state in the royal court of Nismes, a city fatally celebrated for the excesses of the ultra-royal, and anti-protestant party. The petition stated, that the manoeuvres of this party were still carried on with the utmost activity; that a secret administration, and even a military force, were organizing, under directions received from Paris; and notes were produced, said to have been received from that capital, in which they were assured of ample aid, both in money and otherwise. The strictest precautions, in his opinion, could alone prevent the repetition of the crimes

committed at Nismes and in the neighbouring department.

The minister, in reply, complained that Madiet should have sent this report to the Chamber, instead of the King's Advocate, to whose jurisdiction it naturally belonged. The Count de St Aulaire, deputy from Nismes, while admitting that there was no place where political enmities were so violent, and false alarms so readily spread, expressed his astonishment at the incredulity shown by the heads of a certain party. Men, said he, otherwise honourable, have received and protected in their houses the murderers of their fellow-citizens; they have denied facts, which the walls and streets of the city, covered with blood, testified to the eye; they have denied crimes committed in the face of day. "All the facts," said he, "attested by M. Madiet de Montjau, relative to the organization of a secret guard, its ranks, its pay, are no secrets at Nismes. There is a party, belonging to the highest ranks of society, which obeys the impulse of another party than that of the King's; or, rather, if I must say all, which obeys another King than the King himself." After a great deal of discussion, the petition was referred to the President of the Council; and Madiet being accused of disrespectful conduct, was afterwards brought before the Court of Cassation, where he underwent a reprimand. The agitation, however, excited in the Chamber, was greatly increased by the belief, that, if Madiet had dared, he would have named a Prince, the nearest heir to the throne, as the head of this secret and dangerous party.

On the 6th May, the committee brought in their report, which, with the exception of some trifling amendments, was favourable to the proposed law. Immediately, eighty members on the left side had their names

bed to oppose it, while the right side mustered only thirty-four, who enrolled themselves to defend it.

General Foy took the lead in attacking the project. He began with panegyrising the law of 5th February, 1817, according to which the elections were at present conducted. "It was," he said, "a law of truth, the mirror of opinion, an opinion which is not to be feared. It wishes repose and liberty, the King and the charter. The law began to operate soon after fatal catastrophes; and the elections then excluded those whom public report designated as the authors of our last misfortunes. If other factions availed themselves of the impulse given to men's minds, in order to bring on a misfortune of a different kind, the remedy is in the instinct of self-preservation, which resides in an elective body; salutary doctrines would soon balance and overcome those which were pernicious.—You have here the hundred richest proprietors of France. Can you impute to this select portion of the nation the project of a suicide."

The orator now proceeded to state what he conceived to be the real motive of this new project. The ministry judged, that if the law of the 5th February continued to regulate the elections, the majority in the Chamber would escape out of their hands; they hesitated not to sacrifice the charter, and perhaps the country, to the preservation of their power. General Foy, however, being appointed one of the committee, concurred with the rest in being willing to make some modifications in the law, provided these did not interfere with the two fundamental principles of direct election and perfect equality of rights. The committee underwent a long and painful labour, in which they minutely examined every proposal, not disdainfully rejecting even those which appeared to them

most contrary to the charter. When they had nearly brought their labours to a close, the scene suddenly changed. The directing minister, constrained to yield to the secret agents of an occult power, disappeared, and with him the principles of moderation, which had governed his conduct. The committee were called upon to examine a new law, supported by all the influence and eloquence of M. Laine, formerly the zealous champion of the law of the 5th February. All accommodation became thenceforth impossible. The new law was entirely in the interests of the aristocracy, that body which France had always rejected. Its history was a mere record of the long war of the *tiers état* and the royalty against the nobility. Since the latter body transferred a part of its property to save its privileges, it lived entirely detached from the mass of citizens. "It wept when others rejoiced; its joys began with our griefs. Is this the time to grant the monopoly of the chief privileges granted by the charter to those who have constantly been distinguished for their hatred of this charter and of the new institutions? You would render them more absolute, more despotic, than, at a former period, when their power was balanced by that of the clergy, the parliament, and the free cities. The Crown would lose all benefit from its right of dissolving the Chamber, condemned to find them always exclusive masters of the colleges, in which the deputies were named. Would the peerage, which we find it so difficult to naturalize in the climate of equality, consent to grow pale before this unconstitutional aristocracy?" The orator, therefore, declared that this plan would form a mere empty show of representation. The law which proclaimed four-fifths of the electors of France unqualified to exercise their constitutional rights, was not susceptible of any

pendment. "We must reject altogether this law of lies. Think, gentlemen, what will happen at the approaching era, when a faction, having obtained the superiority in this Chamber, will dispose, without distinction, and without division, of the ministers, of the treasure, of the armed force. Do you believe that any acquired right will be sacred to those, who have property, or at least copious indemnifications to recover, and a political system to rebuild? Do you believe that the wisest, even among them, will govern the rest?—Even should they wish to-day only domination, they will wish counter-revolution to-morrow. A moment comes, when it is no longer possible to avoid plunging into the abyss. The aristocracy may, however, be told, that if its plots are violent, the resistance will also be terrible. The colleges of *arrondissement* will be opposed to the departmental colleges; the majority to the minority; the men of the nation to the men of privilege. Two nations, two camps, two banners, will be the fruit of this law.

"Let us stop, gentlemen, while it is yet time. We who wish no charter but the charter, no king but the King, let us stop, and save the King and the charter. Let us guard that electoral law, to which the people are passionately attached. Let us bring our other institutions into harmony with it. Woe to you, woe to the country, if, rebelling against the decrees of destiny, you attempt to separate political power from moral power and material force. To rest the throne upon the aristocracy, is to set on foot a revolution, to irritate the nation, to betray at once the people and the throne."

Among the numerous orators who followed on the same side, François de Nantes reprobated a system which would subject the destinies of twenty-eight millions of men to a majority of eighteen thousand, or, more strictly

speaking, nine thousand three hundred, who, having once counted their votes, and felt their strength, would remain masters of the ground, would dismiss ministers, would exclude from the Chambers all who did not follow their banners, till the royal power, resting itself upon the people, as it has done in France since Louis le Gros, should reduce the turbulence of these great newly-created vassals, and deliver the country from their oppression. M. Ternaux rejected a system which would tend to establish in the Chamber of Deputies an aristocracy that would rule the Chamber of Peers, and would soon degenerate into an oligarchy. He observed, that at this moment the 10,000 eligible persons did not possess a fifth part of the heritable property of France; and comprehending even those whom they represented, they did not pay the sixth part of the land-tax, which yet formed only a third of the whole contributions. Thus the electors and eligible did not pay the fortieth part of the contributions, and yet all the rest of the French consented not to exercise the right of election. Could it be said after this, that the great proprietors had not influence sufficient, and did not this measure tend to sacrifice entirely the interest of the middle proprietors?

The project, on the other hand, was warmly opposed by M. de Bourdonnaye, who held a high rank among the royalist leaders. He regretted that the law should not have been placed by the charter in a complete state, and should have been left at all as a subject of discussion to the Chambers themselves. "Hence arises a changing and uncertain system; hence the continual danger of seeing the benefit of the restoration and the charter destroyed by separate laws. Parties have shewn themselves selfish to profit of this defect in our constitution. They know how easily an organic law can change the nature of government, and they wait only for a



Chamber devoted to their cause, to erect upon the ruins of the constitutional monarchy, either the modest chair of a new Washington, or the bloody throne of a military usurper. Terrified at the view of a regicide sent as a deputy into this Chamber, genuine public opinion is alarmed, equally at principles and consequences. It shrinks at the view of a law of election, which, not content with sending a regicide, was capable of procuring him defenders among our number. It is necessary to modify this law, because the factious are struggling to defend one, which gives the greatest influence to the lowest class of proprietors, the class least attached to the soil. How, in fact, could it be so, since the members of it not finding in the rents of their property the means of subsistence, and not applying themselves to cultivation, must quit the paternal roof, and betake themselves to branches of industry, which tend to make them mere citizens of the world? The present project restores to the great proprietors a portion of the influence, of which the existing law deprives them. Yet it is vicious in many respects, particularly by giving to the colleges of *arrondissement* the nomination of all the candidates, and leaving to the great proprietors the mere right of exclusion. The law will be complete and durable, only when the power of voting shall be confined to a determinate number of electors, chosen among those of largest property. A regular system of attack is carried on against the legitimate dynasty. High plans of ambition arrested in their course; great hopes baffled, have formed an alliance with that political fanaticism which always subsists; which, timid at first, shook finally the foundations of the throne, and will soon destroy them. At Lyons, as at Grenoble, it was struck down, but not destroyed; it rises bolder than ever, and threatens the conquerors. It accuses

fidelity, insults virtue, and laughs at oaths. Every day you see the renewal of its murderous attempts. Entrenched in the law of elections, as in its last hold, resolved to conquer or die, it redoubles its efforts, and imposes on us the necessity of redoubling ours. The question is no longer about shades of opinion, it is to *be*, or *not to be*."

Baron Pasquier, taking another tone, defended the law as actually proposed. "We must have the courage," said he, "to banish from the representation opinions, always changing like the passions which are their source; we must fix it upon the principle of the real and permanent interests of society. We must have the courage to renounce that principle of uniformity in elections, which is any thing rather than a just representation of social interests, so diverse in their nature. The certain result of the system of uniformity is to oppose no obstacle to any wind that blows; and as tempests must always arise, that threaten to shake the political edifice, it is the wisdom of the legislator to seek a remedy which may weaken this action. Such is the object of election by two classes, and the benefit which may arise from it. We have been accused of wishing to create an aristocracy; what do I say? an oligarchy. Neither is to be feared. Fifteen or sixteen thousand Frenchmen, who would constitute the second degree of election, would not constitute an oligarchy, not even an aristocracy. Aristocracy is not constituted by the mere will of the legislator; it requires time, and much time, to establish it. It requires not only power, but the hereditary possession of power; and how could this be feared, when the subdivision of fortunes carried among us almost to infinity, opposes an infinite obstacle to the creation of wealth, that primary element of aristocratic power. Nomination by two classes possesses advantages which have not yet been perceived.

The appointment of the candidates affords the means of distinguishing in each *arrondissement*, the men who may aspire to the honour of sitting in this Chamber. It will have the effect of informing the government itself of those whom their fellow-citizens judge most worthy to fill public functions. What would happen, if the law of the 5th February subsisted? The privilege, of which so formidable a picture has been drawn, might then reign in effect, and, I confess, would not be long of becoming bloody. But this is not the privilege with which we are threatened. It would be that of men trained in the principles of a liberty which I do not fear to call despotism, and whose mind is exalted by a species of fever, which I would wish not to call revolutionary. With them the history of our misfortunes would soon begin afresh. On the other side, what ground have we for apprehension. A party which would wish to revive extinguished rights, to injure acquired rights, to overthrow the constitutional system established by the charter, would fail in this enterprise, unless it were strong enough to make a new revolution; but as to the power of making such a revolution, ask your consciences, and say in what part of France it resides."

On the 25th May, after ten days of debate, only a third part of the orators inscribed had spoken; but as all the arguments on both sides seemed exhausted, and the mind of every one made up, the assembly used the power which it has reserved in its hands, of closing a debate, the continuance of which it considers unnecessary. There remained still the detailed examination of the clauses. The only important amendment was one moved by Camille Jourdan, which went to do away with the whole principle of the new law. After a warm debate, it was negatived by a majority of 10 (139 to 129.) The

whole assembly were present except a single member, detained by illness. This victory, however narrow, was considered as deciding the question of the principle of election. Accordingly, on the 3d June, the first article, which established the basis of the new law, was decided by a majority of 5 (130 to 125.)

The intelligence of this vote, when communicated to the public, brought on a crisis, which for some time past had been gradually threatening. Various circumstances had combined to put Paris in a ferment. On the night of the 28th April, a bomb-shell was discharged under the windows of the Duchess of Berry, with a very loud detonation; the object of which was suspected to be that of causing the abortion of the Princess. The person concerned, however, made his escape: but on the night of the 6th May, he was found on the same spot, preparing one of greater dimensions. He pretended to be an ex-officer of the name of Gravier, a deformed little man. He pretended to have merely wished to amuse himself by giving a false alarm to the royal guards posted there; but when the piece was examined, it was found wrapped in papers, on which seditious verses were written. Several of his comrades were arrested during the night, among whom similar instruments were found. He and an associate of the name of Bouton were brought to trial, and condemned to death, which sentence, however, at the intercession of the Duchess, was commuted into that of hard labour for life.

An incident so serious, joined to the discussions in the Chamber, and various reports of a sinister nature that were industriously circulated, produced an extraordinary fermentation, both in Paris and the departments. The Duke of Angoulême, in a journey

which he undertook through France, was everywhere received with cries of *Vive la Charte!* an expression which was understood to import a decided hostility against the constitutional changes in contemplation. In the course of the debates on the law of elections, the liberal deputies were escorted home by crowds of people, raising the same exclamation. It was not, however, till the passing of the first article of the law of elections, that the tumults rose to any alarming height. The crowd collected on that day far surpassed any former assemblage. In France, and, generally, on the continent, the most active personages on these occasions are the students, who almost universally support the principles of liberty, not only in words, but in deeds. Of them the crowd which blocked up the door of the Chambers after this critical vote, was chiefly composed. Another party, who were afterwards understood to be in a great measure composed of guard soldiers, dressed as citizens, and armed with large canes, raised loud cries of *Vive le Roi*. Amid so violent a collision of sentiments, quarrels were not long of arising, which from words came to blows; and the tumult quickly rose to a great height. Detachments of *gen-d'armee*, and even of the Royal Guard, were called in: they at first dispersed the rioters without difficulty; but in the midst of the tumult, one of the Guard soldiers fired a musket, which struck a young student of the name of Lallemand, who was carried home, and died in two hours.

This disastrous event redoubled the agitation which already prevailed throughout Paris. Placards were fixed on the walls of the different schools, inviting the youths to assemble, and take vengeance. The stormy debates expected in the Chamber of Deputies, and the approaching trial of Louvel in

the Peers, rendered the prospect more critical. The Guards, rendered odious by the catastrophe of Lallemand, were withdrawn; but all the *gen-d'armee* were called out, and the troops in and near Paris were held in readiness to march at a moment's warning. The sitting of the Chamber almost resembled that of the Convention, during the most stormy periods of the Revolution. This similarity was alluded to by Camille Jordan, who was the first speaker. "At that time," he said, "the authors of the insults on the national representation were chiefly men covered with rags, drawn from the dregs of the people. Yet even then the insults never rose to such a height as now, when well-dressed men, armed with canes, used violence to compel others to join with them in crying *Vive le Roi*. All these men came from the same place, were guided by the same chiefs, obeyed the impulse of the same agents. Every one might see that these excesses had not been sufficiently checked. I do not blame the authorities," said he; "they were struck with terror; they feared to find powerful men among the guilty." At the same time M. Lafitte presented a letter from the father of Lallemand, stating that his son had been guilty of no violence, but was walking peaceably, and unarmed, when he received the fatal blow.

In reply to these charges, the Keeper of the Seals imputed the troubles to the giddiness of a few rash and imprudent young men, who had seized this opportunity of raising a disturbance. To have surrounded the Chambers with a great military force, on account of the first slight disturbances, would have been to raise an indiscreet alarm; it would have had the appearance even of imposing a restraint on their deliberations. When a great crowd is assembled, and parties are heated, it was impossible to prevent deeds of

violence, unless by the means which were employed now, but which could only be justified by some event shewing their necessity. With regard to the complaint, that the Deputies had not experienced sufficient protection, that was the fault of the agents of police. Government would institute an inquiry into this subject; all complaints would be received, and even invited, and justice would be administered with the utmost rigour.

Notwithstanding these explanations, Manuel and Benjamin Constant called loudly for an inquiry into the events of the past day, declaring that the violence had been all on the side of the royalists; they insisted, therefore, that the Chambers were not free to deliberate. Even M. Courvoisier maintained the other side only by saying, that they ought to deliberate, "were it, beneath the poniard." The left side, according to the principle laid down, took no part in the vote closing the discussion.

Placards on this day had invited the students to assemble for the purposes of vengeance. No movement, however, took place till the evening, when a body of young men, amounting to 5 or 6000, marching two abreast, and armed with large canes, traversed the streets, having their number swelled by a vast crowd of spectators. Attempts were made to disperse them with the *foot gen-d'armee*, but they always formed afresh, amid cries of *Vive le Roi! vive la Charte!* At length, being charged by the horse *gen-d'armes*, and by a squadron of dragoons, they dispersed, without resistance. Many had their canes wrested from them, and about thirty-five or forty were arrested.

At the meeting of the following day, Benjamin Constant loudly proclaimed that the freedom of debate was more than ever subverted. The *Moniteur* had said nothing of the faction which,

amid cries of *Vive le Roi!* assassinated peaceable citizens, while the youths who raised the laudable cry of *Vive le Roi! Vive la Charte!* were the object of its invective. A violent faction had committed the most criminal outrages to silence those cries, which are the interpreters of our dearest sentiments. It was time that public opinion should put down those lying declarations which sought to calumniate those admirable youths, who loved at once their King and the charter, who prepared an enlightened and independent generation, of whom we might boast in the face of Europe.

To these charges, the Keeper of the Seals replied, that a legal prohibition by the prefect of police against numerous assemblages, was fully justified by the events of the preceding day. The last speaker, therefore, apologizing for the events of yesterday, had made at first the apology of sedition. The crowd resisted all the injunctions made to them by the police; they resisted the moderate action of the *gen-d'armee*; to make them yield, it was necessary to introduce regular troops (a cry from the left, "It was necessary to kill them.") "No, gentlemen, no one was killed; but for the maintenance of the laws, and the public safety, the authority of the King prevailed. Every forbearance compatible with public order was observed. It was only after two hours of useless efforts made by the ordinary police and *gen-d'armee*, that the regular troops were called in. It is swelling greatly the waves of sedition to say, that 40,000 men were ever assembled; the fourth part of that number was never united at any one point.

Some of these facts were strenuously contradicted from the opposite side, but notwithstanding their protests that the Chamber was in no state to deliberate with freedom, the consideration of the law of elections was resumed. This day was the era of a memorable

crisis in this terribly contested question. Bignon and Courvoisier, friends of ministers, came forward and proposed a modification, which it was hoped would be the means of uniting the opposite parties. Two hundred and fifty-eight deputies were to be named directly and finally by the colleges of *arrondissement*, and the only change was to consist in the erection of new colleges, each of which was to consist of the fourth part of the electors paying the highest contributions in each department. These departmental colleges were to elect 139 deputies, so that the whole Chamber was to consist now of 420 members. By this arrangement, although a considerable infusion of aristocratic election was introduced, yet a great majority, somewhat exceeding three-fifths, was still elected by colleges, in which the middling ranks were likely to predominate.

This most important amendment came on the House by surprise, and neither party found themselves prepared to express any very decided opinion upon it; other incidents attracted their attention.

The following day had been fixed for the funeral of Lallemand. It was attended by 3 or 4000 students, dressed in mourning. The ceremony passed solemnly and tranquilly; but in the evening a considerable assemblage took place, not only of students, but of artisans and workmen. They were dispersed by an armed force, and several among the multitude were struck and wounded. These occurrences were again the subject of warm remonstrances in the Chambers. M. Lafitte exclaimed, "that blood flowed around them; that peaceable citizens were pushed in the streets, and that fathers of families were condemned to see their children assassinated before their eyes." The ministers replied as before, that the measures taken had in no degree exceeded the necessity of the occasion;

that it was only by regular troops that Paris could be saved from a 20th June and a 10th August.

The following day, the 7th, being that appointed for the execution of Louvel, considerable apprehensions were felt; but though the multitude assembled was vast, no disturbance took place, unless of a very trifling nature. The following evening, however, was again very stormy.

Meantime, the Chambers were keenly debating the amendment introduced. The liberals considered this creation of privileged electoral bodies as an unconstitutional measure, while the other side represented it as a concession made to the factious. The ministry even floated in some uncertainty, being afraid of conceding the point, without being certain of gaining the law by it. In the course of debate, however, it became evident, that men's minds were more and more inclined to this conciliatory plan. Being put to the vote, therefore, on the 9th, it was carried by the large majority of 135 to 66.

It was expected that the publication of an amendment so materially changing the character of the law, would have calmed the agitation which prevailed throughout the capital. The multitude, however, once entered on their career, were not to be stopped by modifications, which they were little qualified to understand. At eight o'clock on the following evening the *boulevards* were covered with a multitude, supposed to exceed a hundred thousand men. After fruitless attempts to disperse them by other means, a general charge was made by the cuirassiers of the Royal Guard, and a complete Manchester scene ensued; three are said to have been killed on the spot, and a great number wounded.

This disastrous night gave rise next day to fresh debates, in which the facts were stated in a very different manner by opposite parties. Lafitte present-

ed a letter from the inhabitants of Paris, stating, that, notwithstanding the immense multitude assembled, not the slightest tumult or cry had been raised, when the cuirassiers appeared brandishing their sabres. They were received with cries of *Vive la Charte!* upon which they instantly darted upon this immense multitude, which sought flight through all the neighbouring streets, while the troops followed, putting every thing to the sabre which they encountered. Lafayette, therefore, urged, that the soldiers were studiously exasperated against the citizens, who were represented to them as factious; that no one was safe; and that the deliberations of the assembly could not, in any point of view, be considered as free.

On the other hand, it was stated by the Keeper of the Seals, that these dreadful events were the result of an organized rebellion, which had its chiefs, its signals, its manoeuvres. It only waited for darkness, and the dismissal of the spectacles on the boulevards, to take advantage of the confusion. The cries were menacing. They were not merely *Vive la Charte!* they were directed against the King. All peaceful means were employed in vain; the police officers failed; the national guard failed; the gendarmes who then came up, were surrounded, assailed with stones and canes, and obliged to call for assistance. A squadron of cuirassiers arrived, but did not act till the police had three times summoned the people to disperse. They replied by seditious shouts and showers of stones. Nothing was then left but to charge the assailants. Among the seditious cries heard were the following:—*Live our brothers of Manchester—Down with the Chambers—Down with the royalists—Down with the emigrants—Down with the missionaries—Down with the curriers—Down with the dragons.*

This catastrophe formed the origin of the public troubles. On the following days the strictness of the police, and the patrols of troops, prevented any numerous assemblage. Five hundred persons were arrested; and a number of students were expelled from the schools. The others returned to their studies; and the people of Paris gradually resumed the usual train of their occupations and pleasures. On the 15th, 16th, and 17th, corresponding movements took place in the cities of Brest, Nantes, and Rennes; they were suppressed by similar measures.

The law of elections met now with little farther opposition, its details only being the subject of some discussion. On the 12th June it was carried by a majority of 59, (154 to 95.)

The law, when carried into the Upper Chamber, went through with much less opposition, and without any very memorable discussion. On the 28th June it was carried by a majority of 141 to 56.

Thus terminated a question which had shaken France to the foundation, and had brought her almost to the brink of revolution. The public voice, vigorously and somewhat tumultuously declared, had the effect of checking a measure which would have reduced the French government to a pure autocracy, and of modifying it in a manner which did not perhaps render it materially less efficient than before.

The remainder of the debates in the Chamber related to subjects of finance, which can excite little interest on this side of the Channel, and even in France were sunk into secondary importance by the other great concerns in agitation. In the end of January the minister of finance presented the budget or estimated expense for 1820, with a comparison of the preceding years (in livres.)

	1819.	1820.
The King's Household, . . . . .	84,000,000	34,000,000
Judicial Establishments, . . . . .	17,460,000	18,000,000
Ministry of Foreign Affairs, . . . . .	7,850,000	8,000,000
the Interior, . . . . .	102,840,000	104,340,000
War, . . . . .	184,750,000	181,850,000
Marine, . . . . .	45,200,000	50,000,000
Finance, registration, pensions, &c. . . . .	115,889,000	115,181,550
	507,999,000	511,371,550
Expenses of public debt, . . . . .		228,341,200
		739,712,750

The increase of 8,900,000 livres was represented as very small, when it was considered that there were eleven millions of expenses not comprised in the service of 1819. Besides, in consequence of upwards of five millions of arrears still to be drawn, the service of 1820 would not cost more than that of the preceding year. The minister regretted that he was unable to announce, for this year, any diminution of the public burdens, but entertained sanguine hopes that this might take place in future years.

The increase in the expenditure; however small, caused a painful feeling in the Assembly, which would have shown itself more strongly, had

not its attention been engrossed by subjects of stronger interest. The committee, however, to whom the budget was referred, examined its details with great rigour, and finally recommended a reduction of 6,187,700 livres, of which upwards of two millions was in the war department. The different items of expenditure were warmly discussed in a series of debates, and the reductions proposed by the committee were partly adopted, and partly rejected. The final diminution upon the proposal of the minister amounted only to 2,300,580 livres.

The following estimate was made to the Chamber, of the amount of the receipts of the preceding year:—

	Net produce	Expense of Collection.
Registration and domains, . . . . .	147,000,000	11,946,500
Cutting of wood, . . . . .	14,000,000	3,047,400
Customs and salt, . . . . .	86,000,000	23,013,000
Interest, contributions, . . . . .	140,000,000	48,316,300
Posts, . . . . .	12,007,000	11,623,710
Lottery, . . . . .	9,000,000	5,000,000
Sundries, . . . . .	14,241,970	1,192,000
Direct contributions, . . . . .	311,773,780	30,126,220
	734,112,850	134,375,130

The session was dissolved, somewhat unexpectedly, on the 22d July.

Soon after the rising of the Chambers, France was alarmed by a somewhat serious military conspiracy, hatched at Paris. It seems to have ori-

ginated with one Nantil, a captain in the legion *de la Meurthe*, a person in embarrassed circumstances, and discontented at not having obtained the cross of the Legion of Honour. Several of his brother officers being gained over

by him, the plot soon spread through the legion, and was communicated to the inferior officers of other military bodies. Nantil seems to have gained over accomplices by the most false representations, describing the conspiracy as supported by several general officers, and as possessed of most extensive pecuniary funds. One individual was asserted to have contributed not less than 25,000*l.* It was said to be formed into three committees, one called the Imperial Committee, and intended to proclaim Napoleon II. with Prince Eugene as regent. The other was named the Republican Committee, and had under it the Committee of Grenoble, acting upon the same views. After a good deal of discussion, these three committees at length agreed to unite, and to proclaim Napoleon II. as the name which would be most attractive to the military. Apprehensive of discovery, they determined, even in an imperfect state of preparation, to attempt a rising in Paris on the evening of the 19th of August. Government, however, already knew the design, by the information of several non-commissioned officers of the Royal Guard; and on the morning of the 19th the Duke of Ragusa was informed of that being the night fixed. A council of members was immediately called, and it was at first proposed to allow the conspiracy to put itself into action, and only to be ready to meet and crush it. This course, however, was judged too critical; and at five the Duke received authority to arrest the ringlead-

ers. They were taken without resistance in their barracks or lodgings; the affair was not known in Paris till next morning, and was exhibited to the eye only by the imposing military force assembled for the protection of the Tuilleries. Nantil made his escape. Of seventy-five who were arrested, very few were found of high rank in the army, and the conspiracy, on the whole, did not appear to be nearly so formidable as had been at first inferred from the exaggerated statements given by the ringleaders to those whom they wished to seduce. Of the seventy-five apprehended, no evidence was found against forty-one; the trial of the rest took place in the following year by the Chamber of Peers.

A ramification of this conspiracy was formed at Cambray, where several officers, belonging to the regiment of the Seine, there quartered, had formed the design of leading it to Paris, to co-operate with the insurrection in that capital. On learning the discovery which had taken place at Paris, they left their quarters, and fled into Belgium. The King of the Netherlands, however, having agreed to deliver them up, some were arrested at Mons.

This alarm was followed soon after by a joyful occurrence, the birth of a son to the Duchess of Berri. This event furnished the royal house with the heir which it had long wanted, and was considered as giving an additional stability to the throne of the Bourbons.



## CHAP. IX.

## SPAIN.

*National Discontent—State of the Army at Cadiz—Its Revolt—Occupies the Isle of Leon—Expedition of Riego—Rising in Galicia—Defection of Abisbal—King forced to accept the Constitution—Massacre at Cadiz—Anti-Revolutionary Movements—Meeting of the Cortes—Reports of the Ministers—Finances—Suppression of Entails—Of Convents—Commercial Measures—Dissolution of the Army of Cadiz—Disgrace of Riego—Agitated State of the Kingdom—Prevalence of the Liberal Party.*

For several years the discontent throughout Spain had been general and hourly increasing. Its degradation was deeply felt by the nation, and sympathized with by the surrounding nations. It appeared the most cruel indignity to a brave nation, which had made so noble a stand, and had so powerfully aided in restoring independence to the rest of Europe, to be reduced to a thralldom more severe than that which it had so heroically shaken off. Loud, however, as was the call for that constitution which Ferdinand stood vainly pledged to bestow, all the attempts hitherto made to attain it had proved miserably abortive. There is a tendency in human society, and one on the whole safe and salutary, to remain fixed in any position which it has once assumed. To a great body of the people it appears more expedient to bear the ills they have, if at all tolerable, than to rush on others that are unknown and untried. It is difficult, and in fact should be so, for secret and individual operations to combine a force, which can make head against

the executive power of the state. Although, however, such a government may make head for a certain time against the strongest public opinion, it possesses a radical unsoundness, which will, sooner or later, manifest itself. The crazy vessel may be guided in safety over a tranquil sea; but whenever the storm arises, it goes rapidly to pieces. Such a constitution resembles a national body, of which the juices are corrupted, in which no disease yet manifests itself, but to which the first wound or local injury, the effects of which to another would have been but temporary, proves mortal. It is seldom that in the political world a very long period occurs without some shock or collision, which puts to the proof the materials of which it is composed, and causes those which are unsound to crumble into dust.

The local malady which exposed to peril the existing system of Spanish government, resided in the expeditionary army at Cadiz. This body of troops, prepared by Spain in the vain

hope of regaining her transatlantic empire, saw before them a prospect the most dreary and discouraging. Whether they considered the theatre on which the war was to be waged, or the enemy with whom they had to contend, there appeared equally little ground for animation or hope. The prospect of bidding adieu to their native country, to perish in the vast plains and swamps of the Oronooko, inspired a patriotic zeal, to which they might otherwise have remained strangers. The deliverance of their country appeared an object still more desirable, when it was to be combined with their own deliverance from such a destiny. The force collected at one point gave a full impression of their own strength; while the vicinity of Cadiz, a city which had long been the focus of liberal sentiments, was likely to inoculate them with some portion of its spirit.

In consequence of these causes, a deep discontent had long fermented in the minds of the expeditionary army. It had even, as observed in the former year, been organised into a formidable conspiracy, which failed only through the vacillation or treachery of the Conde de Abisbal. The yellow fever, which soon after began to rage at Cadiz, and among the troops, aided the views of the malcontents, by causing a general disorganization, and relaxing those strict precautions which the jealousy of the government would otherwise have prompted. Don Antonio Quiroga, a lieutenant-colonel, who had been deeply implicated in the last conspiracy, was only loosely guarded at the convent of Alcala de los Gazules. He had, therefore, the opportunity of communicating with Don Raphael Riego, commander of the second battalion of the Asturias, and with other officers who were disposed to engage in the enterprise. The military chiefs were seconded by the talents of Qui-

roz, a citizen of Cadiz, and one of the most eloquent men in Spain; while money was supplied by Beltran de Las of Valencia, a zealous patriot, who had seen a son die on the scaffold in the cause of liberty.

After many consultations, which happily, escaped the jealous observations of the ruling powers, the 1st of January, 1820, was fixed on as the decisive day. Riego, stationed at Las Cabezas, was to march upon Arcos, the head-quarters of Calderon, commander-in-chief of the expedition, and was to be joined there by the battalion of Seville from Villa Martin. At the same time Quiroga, with two battalions, was to move from Alcala de los Gazules, upon the Isle of Leon, and upon Cadiz.

At nine in the morning of the day appointed, Riego put himself in motion. He called together his battalion, explained to them his design, and finding them disposed enthusiastically to concur in it, led them direct to the square of Las Cabezas, where he proclaimed the constitution. In the evening he marched with the utmost possible rapidity upon Arcos, in the vicinity of which place he arrived about two in the morning. The battalion of Seville having lost its way in the storm, was not yet come up. Riego waited its arrival in vain for four hours; then seeing day begin to dawn, and apprehensive of discovery, he determined upon at once proceeding to action. Though the battalion stationed in Arcos was stronger than his own, he completely succeeded. The officers were taken by surprise in their barracks, Calderon and all his staff made prisoners, and the Corregidor of the town shared the same fate. The battalion joined the insurgents, and every thing was completed before that of Seville arrived. Riego was somewhat disappointed to find only 12,000 ducats in the Treasury.

The success of Quiroga was not quite so complete. He made his escape, and placed himself at the head of his battalion at Alcalá. To reach his destination, however, it was necessary to cross the Majeceite, which was rendered impassable by the rains. He was thus unable to set out till the afternoon of the 2d. At Medina, he found another battalion; and the troops pushing forward rapidly through roads that were knee deep, reached at nine in the morning the bridge of Suazo, which connects the Isle of Leon with the Continent. This important post was surprised and carried in a few minutes. The insurgents, thus introduced into the Isla, were equally successful in surprising San Fernando, its principal fortress, where they took Cisneros, Minister of Marine. They now pushed forward upon Cadiz, the main object of the expedition; and which being defended only by one battalion and a few marines, was thought unlikely to make serious resistance. At four in the afternoon, however, the governor of Cadiz received notice of the enterprize, and hastened with 500 men to occupy the Trocadero, a fortification commanding the narrow neck of land, by which alone Cadiz can be approached from the Isla. Being reinforced from the ships, he succeeded in completely repulsing the attack of the insurgents. The district in their possession was thus reduced to the Isle of Leon.

Quiroga in the meantime hastened to join his comrades, and on his way, proclaimed the constitution at Xeres and Santa Maria. The people, however, though they shewed an interest in his success, did not make any serious movement in his favour. On his arrival at the Isla the troops were mustered, and found not to amount to more than 6000 men. They were immediately organized, however, under the title of the "Constitutional army;" they were

formed into two divisions, one of which was intrusted to Riego, while Quiroga was made commander-in-chief.—Don Arco Aguerro was placed at the head of the staff, and San Miguel appointed his principal assistant. Quiroga now addressed to his army a proclamation, in which he told them, "Spain approached to destruction; and your ruin would have carried along with it that of your country: you were destined to death, rather to deliver the government from the fear which your courage inspired, than to conquer the colonies, which is become impossible. Meantime, your countrymen remained in the most shameful slavery, under an arbitrary and tyrannical government, which disposes at will of the property, the existence, and the liberty of the unhappy Spaniards. This government must have destroyed the nation, and finally itself; it can no longer be endured. At once violent and weak, it can inspire only indignation or contempt; but a country cannot be happy unless government inspires confidence, love, and respect." He finally assured them, that the enterprize was at once easy and glorious; that union and discipline only were necessary; that not a Spanish soldier would oppose them; and that they would find brethren even in the ranks of those who were assembled for that purpose.

At the same time Quiroga, in the name of the army, presented the following address to the King:—

"Senor—The Spanish army, whose blood and unheard-of sacrifices restored your Majesty to the throne of your ancestors—the Spanish army, under whose protection the nation, through the medium of her representatives, sanctioned the code of laws intended to fix for ever her happy destiny, felt its honour and ardent patriotism wounded, when your Majesty, breaking the bonds of

gratitude and justice, overthrew that monument of justice, and denominated the expression of the most legitimate rights a crime.

"Six years could not obliterate sentiments so deeply engraved in the heart. The various insurrections which have taken place in different times and in different places, ought to have convinced your Majesty that the whole nation favoured those enterprizes, and that if the person of your Majesty have been the object of general respect, such is not the feeling with which either the measures of government you have adopted, or the persons, so unworthy of your bounty and confidence, who surround you, are regarded. The genius of evil stifled the generous cry of freedom, and the brave men who raised it became the victims of that iniquity which never pardons those who would draw aside the veil by which the simple and ignorant are deceived."

"So fatal a destiny has not intimidated the troops of the army assembled for the ultra-marine expedition, and they again raise the cry so dear to every Spaniard who knows the value of that name. They raised it, Senor, and solemnly pronounced it on the first of January. They have pronounced it with the firm and decided determination of being faithful to the oath which they made to their country. Nothing can induce them to become perjured, and the last drop of their blood will be cheerfully sacrificed in the great cause in which they are embarked. To restore the constitution is their object; to have it recognized that the nation, legitimately represented, has solely the right of giving herself laws, is what excites in them the purest ardour, and teaches them to speak in accents of the warmest enthusiasm."

"The enlightened state of Europe, Senor, no longer permits nations to be

governed as the absolute possessions of kings. The people of different countries require different institutions, but representative government is that which appears best fitted for large societies; all the individuals of which cannot assemble in a body to make laws for themselves. That is the government which the wisest nations have adopted, which all eagerly desire, the obtaining of which cost us so much blood, and which no country is more worthy of than Spain.

"From what cause is the nation, most favoured by nature, deprived of the greatest blessing which men can bestow on themselves? Why should the land which nourishes a political body be thought unworthy of the air of civil liberty?—old prejudices, systems adopted by violence, treacherous and vain prerogatives, which serve merely to flatter the most insignificant pride, and the perfidious suggestions of favourites, who are oppressors one day, and are themselves oppressed on the next—are these just motives for violating the laws of reason, humanity, and justice? Kings are for nations;—kings are only kings because nations will them so to be. The light of knowledge has recalled these incontestible axioms; and when governments seek to establish the opposite principles, they speak the language of fraud or hypocrisy, not that of error or ignorance."

"It is the wish and the determination of the army that this language shall no longer prevail. The people cherish the same wishes and views; but habits of obedience to the laws have opposed a dyke to their resentment. It falls to pieces on its being known that the army has already made a breach. The districts that occupy resounded with shouts of joy and acclamations on the re-promulgation of that code which ought to have been but once proclaimed. May these shouts soon spread over the whole pe-

insula, and render it again the scene of virtue and heroism ! But should hopes so delightful not be fulfilled, if Heaven should not favour our ardent wishes, still the efforts of the brave will not be made in vain ; to die for liberty appears to them preferable to living, however long, under the laws and caprices of those who are corrupting the heart of your Majesty, and leading you to your infallible ruin.

“ SENOR ANTONIO QUIROGA,  
 as. Organ of the Army.  
*Head-quarters, San Fernando,  
 Jan. 7, 1820.”*

Another address was at the same time presented to the Spanish people, in which they reminded them of the ancient glory and liberty of the nation, of its heroic resistance against the usurpation of Buonaparte, of the recompence which it had met with, and the miseries which had been the consequence. It called upon them, therefore, to co-operate in the glorious effort now made to restore to them the rights of which they had been deprived.

These events were not unobserved or unregarded by the Spanish provincial authorities. General Freyre, who commanded at Seville, lost no time in throwing the regiment of America, 1000 strong, into Cadiz, though it could enter that city only by sea. At the same time all the cavalry, amounting to about 2000, being placed under General Joseph O'Donnell, watched the approaches to the Isla, in order to prevent the troops here from drawing in supplies from the neighbouring country.

The momentous intelligence being conveyed to Madrid, did not at first obtain belief ; but when a full confirmation arrived, the government redoubled its jealousy and severity ; all correspondence and private intercourse was narrowly watched ; and every effort was made to make the people of

the capital believe only what was wished, and to dispel those exaggerated reports which were eagerly listened to. At the same time, General Freyre, who had recommended himself so much by his zeal and exertion, was made commander-in-chief for Andalusia ; and all the troops in Granada, consisting of six regiments, were placed under his command.

Several days elapsed, in which the hostile parties remained inactive, in view of each other. The insurrectional troops only sent occasional detachments to collect provisions, and disappeared at the approach of the royalist forces. On the 10th, however, Quiroga's party gained a considerable accession in the regiment of the Canaries, which entered the Isla, protected by a sally of Riego, who repulsed O'Donnell's cavalry. On the following evening they obtained a still more important advantage. The great naval arsenal of the Carraca, situated on a small island close to the shore of that of Leon, contained an immense supply of warlike stores, and, by its position, checked the movements of the insurgent troops. The garrison being weak, a detachment had been ordered to reinforce it, but was not to arrive till the 12th. On the night of the 11th, 400 men embarked at the bridge of Suazo, and reached unobserved so close to the foot of the walls, that the batteries could no longer play upon them. They surprised the first guards ; and before the strength of the garrison could be called out, were already in possession of the place. Besides stores, they found also provisions, and a ship of war of 74 guns, called the *St. Julian*. The dungeons of this place contained also a great number of the friends of freedom, who were immediately liberated.

The increased means thus obtained were employed in raising batteries, with the view of storming the Cora-

dura, and thereby obtaining entrance into Cadiz. The assault, however, given on the 16th, entirely failed, Riego himself being wounded. Notwithstanding, however, the most rigid precautions, an attempt was made in their favour in the interior of the city. On the evening of the 24th, a colonel of the name of Rotalde collected a mixed troop of soldiers, Catalonian sailors, and citizens, and led them, amid cries of "The constitution for ever!" towards the gate of the Cortadura. The soldiers on guard there, however, fired upon his detachment, which immediately dispersed. Several were taken; but the colonel himself escaped, and joined the army on the Isle of Leon.

Meantime General Freyre had established his head-quarters at Puerto Santa Maria, and had assembled a force which, including militia, was supposed to fall little short of 20,000 men. He made his approaches, indeed, with extreme caution, and avoiding any close contact, the effects of which, in the actual temper of his own troops, might have been extremely perilous. He merely sought to insulate the insurgents from the rest of Spain, and to cut off their resources and supplies. He succeeded; and weeks elapsed without any change in the position of the contending armies. The insurgent chiefs began to feel that their affairs in this stationary state were becoming insensibly worse. The enthusiasm inspired by their first successes was gradually evaporating; they lost that opinion of power which was necessary to draw multitudes to their standard; and though they might be able to maintain themselves, in a military view, against any force that was likely to be employed on the other side, the narrow corner within which they were inclosed afforded no means of obtaining provisions and necessities, the want of which must at length reduce them to extremity. Unless, therefore, something could be done to relieve

the country in their favour, and to make a stir, they had little hope of final success. This could only be done by putting forth, at all hazards, a moveable column to traverse the neighbouring cities and districts. The lot here fell naturally upon Riego, always prompt to undertake whatever was hazardous and adventurous. On the 27th of January, having formed a small corps of 1500 men, he crossed to Chiclana, and proceeded in the direction of Algesiras. At Conil, where he spent the first night, his reception was discouraging; but at Vejer, or Bejer, which he reached next day, the bells were rung, and other symptoms of joy manifested on his arrival. Here he spent three days, somewhat idly, it should seem, in balls and civic fetes; he obtained a supply of money, not, however, adequate to the wants of the army. On the 31st, the troops left Bejer; and, after a very fatiguing march over the mountains of Ojer, reached Algesiras about seven in the evening. They were received with the warmest demonstrations of joy. Riego conceived the most sanguine hopes, having planned to make Algesiras a second bulwark of Spanish liberty, and expecting to draw from Gibraltar all the supplies of which he stood in need. The next day dispelled all these flattering ideas. The inhabitants, seeing no force which could afford promise of ultimate success, adopted a cautious and guarded system; while the governor of Gibraltar, determining to observe a strict neutrality, declined all communication with the insurgent force. Some supplies, particularly of shoes, were all the benefits which the army drew from Algesiras.

While these operations were going on, General Freyre was not inactive. He carefully closed up all the passages by which this adventurous column could regain the Isla, and then dispatched Don Joseph O'Donnell in its

pursuit. Quiroga, informed of these movements, sent orders to Riego to rejoin him immediately. Riego reluctantly obeyed, and, retracing his steps, cut his way through a column of cavalry that attempted to intercept him. On approaching the Isla, however, he judged the avenues to be so well guarded, as to make vain any attempt to reach it. Swayed probably, moreover, by his own bold and adventurous spirit, he determined to march upon Malaga, and endeavour to excite a rising in that city.

The column proceeded to Malaga by difficult roads, between the mountains and the sea, its rear being continually harassed by the cavalry under O'Donnell. At Marbella it had to sustain a very severe engagement, in which it lost 100 men, besides the dispersion of part of their number. It, however, shook off the pursuing column, and advanced upon Malaga. The governor had collected a few troops, and taken a position in front of the city; but, on the first fire, he retreated, and fell back upon Velez Malaga. The troops of Riego entered Malaga, which exhibited a singular and equivocal aspect. The city was illuminated, and acclamations were heard from the windows; but every door was shut, and no one chose to commit himself in a cause of which such unfavourable omens were already formed. About twelve next day, the columns of O'Donnell were seen approaching. The attack was soon commenced, and an obstinate conflict took place in the streets of the city. The constitutionalists succeeded in repulsing O'Donnell, who took up his quarters for the night about half a league from Malaga. Notwithstanding this success, Riego, in looking round him, could see no hope of maintaining himself in his present position. No movement whatever was made by the inhabitants; and his numbers were quite insufficient to en-

able him to make head against the repeated assaults of a superior enemy. There appeared thus no prospect of safety but by quitting the city, and throwing themselves among the mountains of Ronda. From this moment their progress presented a series of adventure and privation, of which history offers few examples. Destitute of clothes, and particularly of shoes, they procured some at Ronda and Antegüera. At Grazalema they were received by the inhabitants with a welcome so cordial, as rekindled some degree of hope, and at Moron they were reinforced by 200 dismounted dragoons. On the 4th, however, they were attacked there by O'Donnell; and, after a smart conflict, obliged to yield to superior forces. Closely pressed, driven from post to post, and his small band daily thinned by desertion, Riego saw no longer any safety but in seeking the heights of the Sierra Morena. These could be reached, however, only by the bridge of Cordova; and Riego formed the daring resolution of marching the remnant of his little band through that large city. This design was successfully executed. "These imitators of the Sacred Bands of Thermopylæ and Underwald" passed through the streets, barefooted and badly clothed, chaunting the patriotic hymn. The few troops who were in the city remained neutral; the inhabitants, assembling in crowds, viewed with wonder and admiration, though without taking part in their favour. The party crossed the Guadalquivir, and hastened towards the mountains; but at Fuente Vejuna, it was overtaken by the royal troops, and suffered considerable loss. Reduced now to 300, destitute of every thing, closely pursued, and hopeless of success, a consultation was held, and the resolution was formed to disperse, and each individual seek safety for himself. "Such," says San Miguel, the narra-

ten, it was the fall of a column, and they by impetuosity and valour of the most brilliant triumph. Where so many concurrent circumstances combined against us, it was morally impossible for the result to be different. Fanaticism on the part of an enemy always more than triple our number; dismay and timidity in the well affected; pusillanimity and weakness in those who abandoned us in the hour of danger; the violation of promises by those who had engaged in the cause; unheard of labour and fatigue in such rapid torrents and marches night and day, through a mountainous country, intersected by ravines,—all these circumstances combined, must have disheartened the bravest troops. Wherever," he added, "the column of patriot soldiers passed, the people applauded them, gave them provisions, effects, and money; but no one joined them; at their departure they wished them success, and then proceeded to prepare lodgings for the troops that pursued them."

The impression produced by these events in the part of Spain in which they took place, was that of deep despondence with regard to the success of the patriotic cause. The column of Riego, which had never presented any very formidable aspect, was now annihilated; while the main body, under Quiroga, reduced to 4000 men, still maintained indeed a defensive attitude, and repulsed all the attacks made upon them; but, inclosed on all sides by superior forces, they had no apparent means of extending their operations. In fact, however, the work was already done. Riego's expedition, however really abortive, made upon them at a distance an illusive and brilliant impression. His army traversing the provinces of Andalusia, and entering their capital, appeared to be an imposing and triumphant armada. It was as if the government had been

defeated, and a revolutionary army, arising from place to place, was a pursuing enemy. The enlisted men of the journals, whatever benefits may be supposed to arise from it to government, in the ordinary state of things, is fatal to it in moments of crisis and alarm. Every thing which it thus admits against itself is considered as only a small part of the truth; while what it states on the opposite side, obtains no credit. The supposed triumphant spread of the insurrectionary arms through Andalusia was sufficient to blow into a flame those combustible materials, with which the peninsula was so amply stored, and to prepare the downfall of a government, which existed only upon the supposed hopelessness of any attempt to overthrow it.

The first quarter in which the flame broke forth was Cadix, where also it originated with the soldiery. The late of Forlier had left here deep recollections, and many of the officers there had even been involved with that chief. The explosion took place on the 20th February, the very day that Venegas, a new governor arrived at Coruna. While Venegas was giving his first audience, and receiving the congratulations of the authorities, the cry of "the constitution!" was raised in the square. A body of the military, headed by the colonel of artillery, Don Carlos Espinosa, and seconded by the multitude, disarmed the guards, entered, and invited the governor to place himself at the head of the undertaking. On his refusal, they laid him under arrest, and conducted him, with some others who adhered to the same system, to fort San Antonio. The prisons were thrown open, and several officers confined on account of their share in the conspiracy of Forlier were set at liberty; his widow was carried through the streets in triumph; but the royal



occasion was stained by the death of a serjeant, who had given information against that unfortunate patriot.

A junta was now formed, at the head of which was placed Don Pedro Agar, one of the members of the last regency, and then resident at Betanzos. The direction of military operations was offered to Colonel Espinosa; but he modestly solicited, and obtained, a preference for Colonel Acevedo. A similar change was effected at Ferrol on the 23d, when the inhabitants joined in proclaiming the constitution. At Santiago, the Count de St Roman, a moderate and amiable man, called a council to decide on the steps suited to this exigency. His own opinion was in favour of looking only to the defence of the place. Don Manuel Chantre, however, a canon, started up, and reminding St Roman that, in consequence of the imprisonment of Venegas, he was now governor-general of the province, called upon him to bestir himself for its defence, to raise money, and to call out the provincial regiments of armed peasantry. The fire of this warlike ecclesiastic was struck into the assembly; St Roman, following his advice, soon found himself at the head of upwards of 4000 armed peasantry. He was unable, however, to maintain Santiago against the patriotic troops, which immediately advanced upon it. At the same time, the constitution was enthusiastically proclaimed at Vigo and Portuëdro. Although the towns, however, were now in the hands of the revolutionary party, St Roman continued to maintain the country position, and a little civil war of about a month's duration ensued. The royal troops, though rather more numerous, being less warlike and disciplined, were successively driven from post to post, and their remains finally obliged to take refuge within the Portuguese frontier. The only memorable event in this contest was the death of Colonel Acevedo,

who was shot near Padornelo by some of the militia, whom he was endeavouring to gain over to his party.

In another corner of Spain, events occurred of equally serious portent. — Mina, a name mighty and animating to the friends of Spanish liberty, appeared again in his native Navarre. His partizans crowded round him, and proclaimed him general-in-chief of the national army of the north of Spain. At the same time, an effervescence began to be felt in Arragon and Catalonia, and the governors of those provinces gave notice, that they could no longer be answerable for their continued tranquillity.

However heavily the storm now lowered on all sides, the King possessed still the means of extricating himself with honour and safety. Continuing to hold the allegiance of the army and of all the great cities, his position was still commanding. Had he come forward promptly, and fulfilled his long promise of granting a constitution, he might, in a great degree, have dictated its forms, and reserved for himself a commanding place in it. Only vacillating half-measures were, however, resorted to. An extraordinary Council of State was called, where strong differences of opinion are reported to have prevailed, even among the princes of the royal house. Some gave the most violent counsels; that the King should quit Spain, and invoke the aid of the Holy Alliance; but this recommendation, though understood to be supported by General Elio, who had been sent for from Valencia, was not listened to. An imperfect attempt at conciliation was made. The Council of State was divided into seven sections, for the formation of a new code of laws, and by a royal ordinance, the universities, corporations, and even simple individuals, were invited to communicate their views upon this subject. This proceeding did not pledge the King to

any thing, and had entirely the aspect of a manœuvre to amuse the people, till the present danger had blown by. It involved, therefore, a confession of weakness; without affording any thing to satisfy the calls of the nation. In fact, the chief confidence was still placed in military operations; but while all the generals were suspected, either of treachery or incapability, the resolution was formed, to call into active service the Conde de Abisbal, without regard to his former equivocal conduct and recent disgrace. His military talents and reputation might have powerful influence in this extremity, and the active zeal shewn by his brother, Joseph O'Donnell, gave a favourable idea of the loyalty of the family.

The King could not have made a more fatal choice. Abisbal was already in correspondence with the revolutionary chiefs, and preparing to put himself at their head. How far he could be justified in using for this purpose the power placed in his hands by the King, we shall not inquire. Certain it is, being appointed to the command in La Mancha, the first use he made of it was to proclaim the constitution at Ocaña, where his brother Alexander commanded the Imperial regiment.—He then went through Temblique, Almagro, Ciudad Real, and the other towns of La Mancha, everywhere making similar proclamations, and collecting troops. He had thus soon formed a little army, to which he hoped quickly to add a great part at least of that commanded by Freyre.

Affairs were now come to a crisis. The revolution was no longer confined to the extremities of the kingdom; it was at the door; and Madrid, long secretly agitated, and viewing with intense interest the movements in the provinces, began openly to share them. An universal ferment prevailed among the people; the soldiers had already, on the 5th, made an attempt to seize

the stone of the constitution, and on the enterprise being opposed, they delayed, rather than renounced its execution. The King and his counsellors became now sensible that nothing was left to them but to yield. On the morning of the 7th, an extraordinary gazette was published, convoking the Cortes. It was now too late, however, even for the most ample concession; nothing was left but unqualified submission. The multitude knew their strength; the whole population of Madrid, soldiers and people, tumultuously assembled, tore down the placards, set up the constitutional stone, and with loud cries demanded "the constitution of 1812." Great agitation now prevailed in the palace. Nothing could be a more deep and entire humiliation to the King, than to restore a constitution which he had made it his first act to dissolve, with every mark of reprobation; and he had kept immured for years in dungeons all concerned in forming and upholding it. The danger, however, was imminent. Balas-teros, called from his disgrace in this hour of extreme need, is supposed to have been the person who fixed the King's wavering resolutions. He roundly told him that there was not a moment to lose; that between the acceptance of the constitution and his dethronement, no alternative was left. The terrified monarch hastily agreed to yield whatever was demanded.—The following communication was immediately issued:—

"The King, our Lord, deigns to address to his secretaries of all departments the following royal decree:—

"To avoid the delays which might take place in consequence of the uncertainties experienced by the Council in the execution of my decree of yesterday, ordaining the immediate convocation of the Cortes, and the general will of the people having been pro-

nounced, I have resolved to swear to the constitution promulgated by the General and Extraordinary Cortes in the year 1812, which you are to hold as understood, and to order its prompt publication.

"I, THE KING.

*"At the Palace, March 7th, 1820."*

Thus was established, without any modification, the constitution of 1812. Under the circumstances of tardy and enforced acceptance on the part of the King, there was scarcely room for the formation of any other. Having refused the slightest concession, till he felt the sword at his breast, he was of course, when matters came to that crisis, obliged to accept any thing which they chose to dictate. Even the people themselves had scarcely a choice. To have entered upon the tedious and difficult task of forming a new constitution, to which the only power yet organized was decidedly hostile, would have been too hazardous. They had scarcely an alternative but to take the constitution which they found ready made. The choice, or the accident, was, in our opinion, not fortunate. The constitution had been formed by men of intelligence and reflection, but of little political experience, and too deeply imbued with the principles which dictated the French constitution of 1791. Being formed in Cadiz, while all the leading points of the Peninsula were occupied by French armies, it was organized without any concurrence either of the King or the aristocracy; so that the interests of those bodies, particularly the latter, were very little regarded. The defects arising from these circumstances, will, we think, appear on an examination of its particular clauses.

As a representative system, it proceeded upon the broadest principle of universal suffrage. Every citizen, arrived at full age, and holding a domicile within the kingdom, had an equal

vote. Not only was property not required as a qualification; it was not even allowed as a ground of preference. This, we conceive, must, as society is now constituted, be a radical defect in every representative system. Intelligence, and a certain degree of property, must, at the long run, go together. The system of universal suffrage necessarily throws the entire nomination into the hands of the lowest, because greatly the most numerous class; a class of all others the least qualified to judge well of men and measures. In hopes of breaking the force of the democratic impulse, a cumbrous machinery was adopted of election by stages. The body of voters in each parish chose an electoral body, which elected an elector to be sent to the assembly of the district. The district electoral assembly chose a member for the electoral assembly of the province, which assembly at last nominated the deputies to the Cortes in the proportion of one to every 70,000 of the population. Into all these elaborate processes, however, no element ever entered, except that of the original democratic electing body, which, though it might at first, by these arrangements, be kept in some degree under influence, could not fail soon to learn its strength. A peculiar inconvenience seems to arise from all the deputies of a province being elected by one assembly met in the capital. The deputies to the Cortes, instead of being of different views and tempers, according to the different districts of the province, will be all of that party which has obtained a majority, however small, in the one electoral assembly. The deputies from any province would thus afford no view of the variety of sentiment prevailing in that province; a great part, sometimes nearly the half of its districts, would be left without any representation in the national Cortes.

The next peculiarity in the Spanish constitution, consisted in the entire

exclusion of any other legislative assembly, except the one of the Commons, thus constituted by universal suffrage. The aristocracies of the clergy and nobles have neither a separate House to themselves, nor any power of sending deputies to the one assembly, which constitutes the entire Cortes. Now, we believe that in all sober, and practical systems, two Houses are considered essential to good legislation. Even America, whose constitution is entirely formed on a republican basis, has its Senate, to share and balance the power of the House of Representatives. In Spain, the aristocracies of the nobles and clergy possessed such extensive wealth, that the denial of all voice in the national assembly placed them in a state peculiarly defenceless; while the high influence which the latter especially possessed over the minds of the people, rendered it exceedingly difficult to maintain any system, to which they were essentially hostile. It is indeed currently reported, that the nobility of Spain are so far corrupted and degraded, as to be incapable of that manly and dignified exercise of their powers, which is required in a legislative body. Considering how much it has been the fashion of the present age to decry all privileged bodies, we are led to doubt, after all, whether the Spanish nobility be materially worse than other nobilities. Several of the highest rank, Romana, Albuquerque, Parque, &c. distinguished themselves by their military talents, in the war of liberation; others have been eminent for their literary qualifications. Among such a body, in every country, there is a great deal of idleness and dissipation; and the Spanish nobility, possessed of immense wealth, without any political action or influence, were naturally thrown more particularly into these habits. But if they had been placed in a more dignified situation, and one affording scope

for the display of their powers, we have no doubt that they would have been found to be composed of the same materials as the rest of mankind.

The Sovereign, the third branch of the political system, was by no means left in the same destitute situation. He wanted indeed some powers which belong to the British Sovereign. He had not the power to prevent the assembling of the Cortes, nor, when it was assembled, to dissolve it. That body, after completing its annual session of three months, left a permanent deputation of seven, with instructions to watch over the maintenance of the constitution; and, if it should appear necessary, to call upon the King to convocate an extraordinary Cortes. In the passing of laws, he was allowed only a limited veto. He might reject a law presented to him by the Cortes during two successive sessions; but, if again presented in the third session, his sanction could no longer be refused. The royal patronage was limited by the nomination of a Council of State, consisting of forty members, each of whom were to be chosen by the King, out of a list of three furnished by the Cortes. Whenever an ecclesiastical or judicial office was to be filled, this body furnished to the King a list of three, out of which he made the selection. As he retained, however, the uncontrouled disposal of all civil and military appointments, his patronage could not be said to be reduced within very narrow limits. No treaty of offensive alliance was valid, without the approbation of the Cortes. In other respects the Spanish Monarch had the same powers as the King of Great Britain. The limitations actually fixed seem founded upon good reasons, and leave still untouched the most important attributes. The want under which the Spanish King laboured, was that of a gradation of powers; of something intermediate, to connect him with that

purely popular body, which held the sole legislative supremacy. Elements so opposite brought into mutual action, could scarcely escape collision, and were inconsistent with any smooth and regular movement of the political machine.

A general jubilee now took place among the friends of liberty. The government, with apparent good will, began to undo all that for the last six years it had been busied in doing. The dungeons of Madrid, of Cadiz, and of Ceuta, gave up the tenants who, for so many years, had been unjustly immersed in their gloomy cells. A royal decree suppressed the Inquisition, and ordained the public sale of all property belonging to it. The liberty of the press was established on the same footing as by the former Cortes; several political journals were established; the coffee-houses of Madrid were converted into political clubs. The King and Royal family studiously exhibited every symptom of a cheerful acquiescence in the new system. The Infant Don Carlos, on being appointed to the command of the national army, made an address to them, in which he said, "Equally faithful as yourselves to the solemn oath which I have to-day taken before his Majesty, you will find me a leader who will ever conduct you in the path which honour and duty prescribe. To love and defend the country; to support, with unalterable loyalty, the throne, and the sacred person of the monarch, who is the support of civil liberty and the national grandeur; to respect the laws; to maintain public order; to submit to all sacrifices which the common weal requires; to unite in affection and sentiment with other Spaniards, and to concur with them in the establishment and consolidation of the constitutional system; to observe an exact discipline, and the subordination so necessary in troops;—such, soldiers, are your sacred duties; such are

those which will render you worthy of the love of your fellow-citizens in peace, and redoubtable to your enemies in war; such, in fine, are the duties which the King expects from you, and of which your first companion in arms will make it his ambition to set you an example.

"It is thus that the august throne of Alphonso and of Ferdinand will shed a lustre on this heroic nation, unknown even in the most glorious ages of the monarchy; and Ferdinand VII., our beneficent King, the founder of Spanish liberty, the father of the country, will be one of the most happy, the most powerful of monarchs, since he rests his high authority on the indestructible basis of the love and veneration of his people."

In the provinces, the constitution had been either established before the notice from Madrid arrived, or was then instantly and harmoniously accepted. At Saragossa and Navarre, it was proclaimed several days previous. At Barcelona, on the 10th March, the people, though ignorant of the events at Madrid, compelled General Castanos to follow the example. At Valencia, Elio with difficulty escaped from the fury of the populace; to save him, it was necessary to lodge him in the prison. In Galicia, San Roman, who still headed troops in opposition to the new system, instantly called upon them to give their oath in support of the constitution. In Andalusia, a friendly correspondence succeeded to the hostile operations between Riego and O'Donnell. One dismal event interrupted the general harmony, and cast a gloom over a change that wore otherwise so auspicious an aspect.

General Freyre, who had hitherto acted steadily in support of the royal authority, appears, on receiving intelligence of the desertion of Absal, to have suddenly formed an opposite resolution. On the 9th, he entered Ca-

dix at twelve o'clock, and announced his determination to proclaim the constitution. As the people, who assembled in crowds, appeared impatient of any delay, he solemnly made oath to it, and promised that the remaining solemnities should be duly performed on the following day. The people immediately raised a flag, inscribed "Long live the constitution, and Freyre our regenerator." At the same time, they promised to bury all past enmities in oblivion. An invitation was soon sent to the chiefs of the army on the Isle of Leon, to be present at the solemnity of the approaching day. Quiroga, however, declined attending himself, but sent San Miguel, Arco Aguerro, Galiano, and another of his principal officers. The night was now spent in joyful preparations for to-morrow's festival; the fronts of the houses were lavishly adorned, and the whole body of the people, in their festal dresses, filled at ten o'clock the square of St Antonio. As they were waiting there for the arrival of General Freyre to begin the ceremony, a report of musquetry was suddenly heard, and the troops instantly began to fire on the multitude. The affrighted crowd fled in all directions, pressed and overturned upon each other; while the troops pursued, massacring all whom they encountered. Even the houses did not shelter the wretched inhabitants; and Cadiz was for several hours like a city given up to pillage. The carnage of this dreadful day was afterwards found to amount to 460 killed, and upwards of 1000 wounded. The deputies from the national army called upon General Freyre for his pledged protection, which he was able to make good only by conveying them out of his house by the roof, and thence to the fort of St Sebastian. Notwithstanding a long investigation afterwards carried on, the origin of this dreadful affair was never fully ascertained. General Freyre's

conduct towards the deputies seems to acquit him from the suspicion, which were at the time strongly urged against him; but Valdes, who, as governor of Cadiz, had always shewn an embittered enmity against liberal opinions, and Campana, in consequence of a military order published by him next day, sanctioning the conduct of the soldiers, were strongly suspected of at least approving this outrage. Two days after, intelligence was received at Madrid; the soldiers were then seized with alarm; and the inhabitants, rising tumultuously, massacred several of them. At length the government having superseded Valdes and Campana, and appointed O'Donoghue governor of Cadiz, with orders to make a strict inquiry into this unhappy affair, the minds of men were gradually tranquilized. That part of General Freyre's army, which shewed itself still averse to the new system, was dissolved; the rest united itself to the army of the Isle of Leon, which was thus swelled to 12,000 men.

The nation now occupied itself busily in the election of members for the approaching Cortes. The operation was carried on tranquilly, and with a decided preference of the liberal party. Many who had been members of the Cortes of Cadiz were now re-elected; to which were added Quiroga, and other military men, who had taken an active part on the present occasion. Meantime there were not even now wanting some anti-revolutionary symptoms. At Saragossa, on the 14th May, a band of four or five hundred men, invited by the monks, rushed to the public square, overturned the stone of the constitution, and soon raised a mob, who joined them in crying, "Religion! the King! down with the constitution!" General Haro, however, fell upon them with two regiments, and after killing and wounding a considerable number,

succeeded in dispersing the rest. The Marquis d'Alazan, to whose dissensions with Hara this disturbance was partly attributed, was removed from his situation as governor of the province.

In Galicia, matters threatened to assume a more serious character. Don Manuel Chantre, whose zeal has been already commemorated, united himself with some other chiefs, who assumed the title of the "Apostolical Junta of Galicia." They collected within the frontiers of Portugal a body of scattered troops and peasantry, with which they crossed the Minho, and endeavoured to rouse Galicia into insurrection. In fact, before Espinosa could collect his troops, they had swelled to between 2000 and 3000 men, and were threatening Tuy. Here, however, several encounters took place, in which they were completely worsted, and obliged to re-enter Portugal, with the loss of their standards and baggage. Two of their chiefs were afterwards delivered up by the Portuguese government, at the urgent request of Spain. They were found to maintain secret correspondence with malcontents in Andalusia, and even with secret committees in the capital.

The 6th of June formed the important and long expected day of the meeting of the Cortes. A fortnight was consumed in the examination of their powers, and other preliminary matters; and it was not till the 9th July, that the solemn opening took place. The King was attended by the Queen, the royal family, and the *corps diplomatique*. After renewing the oath of fidelity to the constitution, he made his opening speech, in which he strongly expressed his attachment to, and determination to support, the new order of things. "At length," said he, "has come the day, the object of my ardent wishes, when I see myself sur-

rounded by the representatives of the heroic and generous Spanish nation; and when a solemn oath identifies my interests and those of my family with the interests of my people. Since the excess of the evil has called forth the unequivocal expression of the general wish of the nation, an expression long dimmed by deplorable circumstances, that are now banished from our memory, I have determined to embrace the system which the nation desired, and to swear to the political constitution of the monarchy, sanctioned by the general and extraordinary Cortes of the year 1812; since the crown and the nation have both recovered their legitimate rights, my resolution being the more free and spontaneous, as it is more conformable to the interests of the Spanish people, whose happiness never ceased to be the object of my sincerest intentions." After taking a view of the state of the different branches of administration, he concluded: "It is to the establishment and the entire and inviolable maintenance of the constitution, that I will consecrate the powers which this same constitution assigns to the royal authority; in it I will concentrate my power, my happiness, and my glory."

The address to be made in reply was the subject of some discussion; and that finally agreed upon, while it very strongly expressed the feelings of duty and attachment, failed not to insinuate pretty decided lessons as to what was their opinion of past events, and what conduct they now expected to meet with from the King and his Ministers. "While," it is said, "they act with the prudence and dignity worthy the representatives of a great and generous nation, the Cortes expect to find in your Majesty's government that vigour and co-operation which are absolutely necessary for the establishment of a new system, and for

the removal of those obstacles which impede the march of national prosperity.

"The national Congress will employ itself with the utmost assiduity for the discharge of the duties imposed upon it by the people; and, co-operating with your Majesty, will apply the remedies which the deplorable state of the country demands, and to which it has been reduced by the misadministration of former times, and by the ruinous system adopted during the last six years."

In conclusion they observe:—"In taking the first steps in their career for consolidating public prosperity, executing the constitution, and protecting religion, the rights of the throne and of the people, the Cortes found their most flattering hopes on the solemn promise of your Majesty to enforce the strict observance of that fundamental law which is the best guarantee of the rights of your crown. Faithful observers themselves of that constitution, the Cortes, in imitation of your Majesty's example, will place all their glory and happiness in their constitutional powers. In offering to your Majesty proofs of a sincere attachment to your royal person and august family, the Cortes hope to find a firm support in the zeal, patriotism, and knowledge of your Majesty's government. Thus will your Majesty return the love of the people, and we prove ourselves worthy of their confidence."

The first business on which the Cortes entered, consisted in receiving from the different ministers, a view of the state of their respective departments; on which occasion, facts were disclosed which excited the deepest interest, but inspired the most gloomy impression.

The Minister for Foreign Affairs announced that the relations of the nation with foreign powers were perfectly pacific and amicable, except with

regard to the Court of Portugal and the United States. With the former, he observed, "some differences exist respecting the capture of Monte-Video, and with the latter on the subject of the treaty of the Floridas; but the principles of moderation and justice which direct the diplomatic operations give us reason to hope that these differences will be adjusted honourably for Spain, and that they will not alter in the slightest degree the system of peace established in Europe."

The Minister of the Interior gave a detail of all the branches of the public administration connected with his department, and specified the means adopted for its improvement. This department of government would require the longer time in organizing, as every thing must be regenerated conformably to the report on the political economy and civil administration of the kingdom, in order to give a new stimulus to agriculture, commerce, manufactures, and the arts, and to promote the general prosperity of the nation.

The Minister of the Colonies, in his *exposé* on the situation of America, detailed, among a variety of other topics, the measures adopted by the King for the reconciliation of subsisting differences, and the re-union of the colonies to the mother country. He dissipated the mischievous rumours which had been circulated of a contemplated expedition to America, and explained what had given rise to those false rumours.

The report of the Minister of Justice embraced only the period subsequent to the 9th of March of this year. He gave an account of the decrees signed by the King for consolidating the constitutional system, and causing the laws to be observed—of the state of the royal courts, and other tribunals of the country—of what has been already done for the establishment of



the Judges in First Instance, conformably to the district divisions adopted by the Cortes. He stated, that some ecclesiastic prebendaries had been disposed of to recompense different individuals named, and who had been persecuted on account of their adherence to the constitutional system. He dwelt much on the measures adopted with respect to the regular clergy, which he represented as equally advantageous to that body and the nation; and stated the arrangements made for preventing the increase of Jesuit convents, by allowing only one in towns which before had several, and taking public instruction out of their hands. The Minister finally defended the measures which had been adopted for securing the deputies who signed the representation of the year 1814, and on whom it is reserved for the Cortes to pronounce judgment.

The report of the Minister of War produced the most afflicting impression. It appeared that this department was in the most deplorable condition; that it was indispensably necessary immediately to effect a reform in the army, and to change its organization; that the existing military force, comprising all arms, was about 53,705 men, exclusive of the royal guard, and 7083 cavalry; that, notwithstanding the reduction of 10,000 officers, the number retained was beyond all proportion to the men; that the corps of the royal guard was greatly diminished; that the want of money, and partial distributions of pay, had reduced the officers to the greatest privations; that the major part of them had remained for years on half-pay, though in active service; that the army was in a state of shameful nudity; that in the cavalry only 15 regiments had their clothing and equipments in tolerable condition; that the clothing and arms of the infantry were not uniform, and

generally bad; that they had only 87,000 muskets, of which 6000 were unserviceable; that the cavalry had 10,000 carbines, and that in the pistols and swords there was no uniformity; and that the saddlery articles were regular only in seven regiments.

The Minister next described the deplorable state of the artillery, which was wholly destitute of *matériel*, and had a supply of ammunition scarcely sufficient for a single day's service in battle. The militia corps raised in 1818 presented a force of 33,809 men, commanded by 140 chiefs; the garrisons, castles, &c., were in the most wretched condition, as well as the fortresses on the coast. The military education had not undergone any change; and the department of theoretical and practical instruction for the military required no reformation. The retirements granted to officers had produced a saving; and the number of invalids was 7838 men.

He then recapitulated the total force of the Peninsula; that of the infantry, including the militia, he stated to consist of 87,779 men; the cavalry of 6335; and the expence of the whole army he estimated at 352,607,000 reals (88,151,750 francs).

He then entered upon the details of the colonial establishments. "The islands of Porto-Rico, St Domingo, and Cuba, enjoy profound tranquillity. In Mexico there exist only a few bands of insurgents, which cannot occasion any apprehensions; but it is necessary, he observed, to keep that country on a war footing. The ravages of the revolutions are severely felt in South America, which experiences the effects of a war excited by the ambition of foreigners." Though it is impossible to give a correct statement of the military forces in these countries, the Minister announced that, since 1815, not less than 42,177 men

of all arms had been transported thither, of whom 5000 were of Porto-Rico.

"The forces in the island of Cuba, including the militia, amount to 10,995 men, and 977 horses; those in North America to 41,036 infantry and cavalry, who occupy an extent of 82,142 square leagues. Lastly, by adding the troops which are on other stations of South America, consisting of about 10,178 men, who form the garrisons of the Philippines, it will be found that the army in the colonies amounts to 96,578 men, and 8419 horses. The garrisons in America are in the worst possible state."

The Minister of Marine gave an account in his report of the dilapidated condition to which his department had been reduced: he urged the necessity of regenerating this most important branch, and of increasing it to the highest possible pitch, by building as many ships as the state of the finances will admit. He referred to a proposition submitted to the former Cortes, to increase the navy to 20 ships of the line, 20 frigates, 18 corvettes, 26 brigantines, and 18 sloops of war.

The Minister of the Finances entered into a long and complicated statement. He rendered an account of the state of the Treasury on the 9th of March, explained the available resources, and pointed out a practicable mode of supplying the deficiencies. He proposed some modification of the donations to the Royal family, and solicited the approbation of the Cortes to a

loan of 40,000,000*r.* opened by the King, and towards which only 5,000,000 had been subscribed. He described the wretched state of the finances, indicated the mode of improving the system, and the difficulties opposed to a reformation. He specified the abuses—and one of the principal, the taxes imposed as merely provisional, and which were never suppressed in Spain. Hence the necessity of consulting the opinions and the abilities of the people before they should be subjected to a new plan of taxation. He explained the causes which were opposed to the establishment of direct contributions, and mentioned the indisposition of the clergy, the nobility, and persons in office, to contribute their proportions, as one of the principal impediments. He demonstrated the necessity of a reform, and to give publicity to every thing connected with the finances. The Minister concluded his report by pointing out the inaccuracy and the inutility of custom-house codes; the injurious and mischievous tendency of the prohibitory laws: he proposed the union of the department of the Posts to that of the Finances, and reprobated the absurdity of the penal laws with regard to the system of finance.

In detailing the procedure of the Cortes, we shall begin by endeavouring to give a view of the manner in which they sought to remedy the distressed state of the finances. According to the report of the Committee, the debt of Spain was (in round numbers,)

	Reals vellon.	
Bearing interest,	6,844,780,000	£. 76,516,200
Not bearing interest,	7,405,792,000	83,315,160
	<hr/> 14,220,572,000	<hr/> 159,830,360

The civil list was allowed to remain without any reduction at 45,000,000 *reals* (506,000*l.*) but the estimate for foreign affairs was cut down from 18

to 12 millions; that of judicial establishments from 23 to 12 millions; that of the marine from 100 to 80 millions; that of the war department

from 875 to 390 millions. The entire estimate of expenditure amounted to 702,802,000 reals, while that of revenue did not exceed 530,394,000 reals, leaving a deficit of 172,408,000 reals, (1,939,580*l.*)

The measure by which the Committee proposed to meet this unfavourable state of the national finances, was of a very critical and dubious nature. They expressed their belief that the plan proposed with regard to church lands, and the ameliorations introduced by the Cortes, would shortly relieve the nation from its present financial pressure; that in the mean time the urgent object was to meet the existing distress. They conceived that the system of loan, however much to be generally deprecated, above all in time of peace, was justified by this peculiar concurrence of circumstances. It was proposed to raise a loan of 200,000,000 reals, (2,250,000*l.*) to provide for the exigencies of the following year.

The most important measures of the Cortes were those which related to permanent reforms in the political system of Spain. The greatest check to agricultural improvement arose from the enormous extent of the system of *majorats* or entails, which had been prompted by the ancient over-weening pride of the Spanish grandees. This system, which began only in the thirteenth century, now extended over by far the greatest part of the lands in the kingdom. The accumulation of property was accordingly immense; nearly the whole province of Andalusia was the property of three of the great nobles. This system was at once unfavourable to all improvement in cultivation, and prevented the growth of any independent and respectable body of small proprietors. The Committee to whom this subject was referred, proposed to render all lands in the kingdom so far free, that their possessors might dispose the whole to their

own children; but to strangers they could dispose only one half. No new entail could be founded but by the express permission of the Cortes, which was to grant it only for weighty reasons, such as important services rendered to the country. No new entail was to exceed, for the Spanish grandees, 80,000 ducats of annual rent; for *titled* persons 40,000; for private individuals 20,000. No entail could be made for less than 6000 ducats.

This law, after a long and animated discussion, passed on the 12th October. Some displeasure was felt by those nobles who had the greatness of their order deeply at heart; but as it caused no personal inconvenience to any, and afforded to many of the greatest proprietors the means of freeing themselves from large debts in which they were involved, it never gave rise to any serious dissatisfaction or complaint.

The case was different with regard to the measure which came next under discussion. The enormous accumulation of property in the hands of the religious orders, was another evil under which Spain had long groaned. In 1769, there were found to be in that country 2051 convents, and 61,327 monks and nuns, nor was there any reason to suppose that the number had diminished since that time. The wealth of these orders presented also a tempting prospect of relieving those financial embarrassments under which the nation so deeply laboured. Under the impulse of these views, a proposition was brought forward for the entire suppression of the religious orders, and for declaring their property *national*. This measure was supported, not only by the Count de Toreno, and other lay deputies, but even by Castiello, the auxiliary bishop, who declared, that however painful the proposition was to his feelings, he sacrificed himself

bound to support it, as eminently conducive to the public good. In proof of the legality of the measure, orders were quoted, made at different eras, either to prevent new foundations, or to reform those that already subsisted. Many states, it was observed, had recognized the principle of the sale of ecclesiastical property, and even the Kings of Spain, Charles III. and Charles IV. had recourse to it, at a time when the national debt was much less than now. On the other hand, it was urged, that the right of property in corporations was as sound as in individuals; that the regular clergy formed an essential part of the Catholic religion; and to destroy the one was to attack the other. The individual distress which would thus be caused, was also much insisted upon. Remonstrances against this measure were addressed to the Cortes by the generals of the Capuchins, and of the Franciscan orders; the one distinguished by its moderation, and the other by its fulminating zeal. Notwithstanding all opposition, the law was adopted on the 1st October. All the orders were suppressed, and only eight convents were preserved to maintain the divine worship in some ancient and celebrated sanctuaries. The monks secularised were to receive from 100 to 400 ducats, according to their age and situation. There was a prohibition to found any convent,—to admit any profession—and upon monks to take any vow.

This innovation in itself, and in the abstract, was satisfactory and necessary for Spain; yet as respects the manner and degree in which it was carried into execution, it can scarcely be denied to be premature and precipitate. Monastic establishments had been as it were interwoven into the whole frame of Spanish society. A great part of the population, and not the worst part, still looked up to this body

as their oracles. Before violently subverting an institution rendered venerable by so many ages duration, time should have been allowed to sap it by the gradual diffusion of knowledge and liberal ideas, through the influence of the new institutions. As it stood, this numerous body, holding such sway over the public mind, were turned loose with hearts rankling with the deepest bitterness against the government from which they had experienced such treatment. All the glories of the order were now annihilated; its members reduced to a state of comparative beggary; and the numerous mendicants who were accustomed to receive supplies at the convent gates, were thrown into a state of absolute destitution.—These suffering classes have ever since maintained a perpetual *fomes* of insurrection, which has deprived the constitutional government of stability and tranquillity, and has only been suppressed by exertions, to which their means and resources were very inadequate.

If we censure this proceeding of the Cortes as rash and ill-timed, there are others which we must stigmatize as essentially and radically evil. In a system which professed to be entirely founded upon liberal principles, it might have been expected that free trade would have formed an essential element. The country of Ustariz, of Campomanes, and of Jovellanos, seemed ripe for an enlightened system in this branch of economy. Those great men were however no more, and their mantle had not fallen on any of the present generation. On the contrary, every nerve was strained by the Cortes, to carry to a greater height that system of monopoly, by the action of which Spain had been undone. Resolutions were adopted by that assembly, and exhortations addressed to the Royal Family, to wear nothing but of Spanish manufacture. In the com-

mercial regulations, the leading principle was made to be, that nothing which Spain could produce within itself, should be allowed to be imported. Particular care was taken to keep down the intercourse with France, the country of all others from whose trade Spain might have derived the greatest benefit. This system was every way ruinous. It crushed the germs of that prosperity which would have been the natural consequence of freedom and security of property; while the distress generated by it threw a general discredit upon the constitutional system to which it was imputed. In consequence of it also, the financial embarrassment instead of being remedied grew more and more severe. The contraband trade, which had always been one of the greatest scourges of Spain, was trebled; and with it those habits of tumultuous and irregular assemblage, which passed by an easy transition into insurrection. Thus, this voluntary sacrifice of her trade, not only impoverished Spain, but proved one of the strongest bars to the preservation of that tranquillity which she ought to have sacrificed almost any thing to maintain.

The establishments for education were carried by the Cortes to a laudable, almost excessive extent. There were to be three gradations of schools throughout the kingdom; the first for elementary instruction, of which there was to be one for every five hundred families, and where the catechism of the constitution was to be carefully taught. The second degree was for those destined to public employments; in these were taught the ancient and modern languages, history, and political economy. The third degree was for certain special and profound studies. The law on the liberty of the press allowed the publication of all works except those upon religion, which the bigotry of the nation still subjected to

a previous censorship. There lay, however, an appeal even on these to a supreme junta established for the protection of the liberty of the press.

These deliberations were checkered by events belonging rather to the executive than legislative department. The army of the Isle of Leon, proud of the share they had taken in achieving national liberty, considered themselves still as its guardians. Since the nomination of Quiroga as a deputy, Riego had taken the command; and his enthusiastic disposition having led him to embrace the highest principles of liberalism, he was looked upon by the clubs of Madrid as their sure and powerful supporter. There appeared a very evident danger, that this army might assume a prætorian character, and might become dangerous both to prince and people. The Minister at War, therefore, formed the bold resolution of dissolving it; and as this step was taken with the approbation of Quiroga, while Riego was soothed by the appointment of Governor-general of Galicia, it was hoped that the arrangement might be tranquilly effected. Riego, however, saw in it the downfall of his influence, and, as he imagined, new dangers to liberty. He hastened to Madrid, and presented to the King a petition from the army against its dissolution, intimating at the same time his own refusal of the government of Galicia. He was received with the most rapturous applause by the clubs and the multitude, and continued for eight days the hero of Madrid. Intoxicated with this homage, he gave way to an irregularity which alarmed all moderate men. Being one evening at the theatre, his aides-de-camp began to sing a violent democratic song, called from its chorus, *Traga la, perro*, "swallow it, you dog," composed at Cadiz, in hatred of the nobles. The political chief having endeavoured to put a stop to this exhibition, Riego interposed in

its favour, and a violent tumult arose, which was continued during a great part of the night. The government, determining hereupon to take the most vigorous measures, withdrew from Riego the offer of the command in Galicia, and sent him into an honourable exile at Oviedo. Riego now addressed a long memorial to the Cortes, in which he represented the services rendered by the army of the Isla to the cause of liberty, and urged that its support was still necessary against the numerous enemies of the constitutional system. "I beseech," said he, "the National Congress to take into consideration these short reflections, to examine the opinion of Andalusia, that of the army, that of fore-sighted and judicious men, and then to consider whether the time has arrived for deciding that circumstances have changed, that the laws are in their vigour, and that the constitution is triumphant in all its parts.

"The disgust of an army is contagious. The distrust of one province passes to another. The public mind is agitated; and, when concord is the most necessary, the most fatal disunion has been introduced. It was my duty to make these explanations to the government, and likewise to the Cortes, who ought always to watch over every thing that influences in so visible a manner the well-being of our country. I have fulfilled these two sacred obligations. I have done all that was in the power of a lover of the laws, to avoid disorders and misfortunes. Those calamities which may perhaps arise from general distrust will not be my work. Would to Heaven that my suspicions were only those of an extravagant mind, and that we may never have occasion to seek in vain for that physical and moral force which is our support—a force, the importance of which is either unknown, or too much depreciated. For my part, having been the mark of unjust preju-

dices, of perverse suspicions, of black and horrible imputations, after voluntarily declining of a post incompatible perhaps with my honour in existing circumstances, I return to the simple condition of a citizen. If my country should require my services a second time, I shall fly to her aid, and shall be ready to repeat my services. At present I am satisfied with the pleasure of having deserved your lively gratitude, and with that delight which the testimony of a pure conscience communicates to an honourable mind."

These representations had no influence on the Cortes, which adhered to the resolution of ministers; and Riego had no alternative but to depart for Oviedo. His associates, San Miguel and Velasco, were at the same time sent to Zamora and Valladolid. The dissolution of the army was then effected; but the Cortes agreed, that liberal allowances, both in land and money, should be given to the disbanded troops, in proportion to their length of service. Although these measures were effected by government, yet the clamour of the clubs against the Minister at War was so violent, that he was induced to give in his demission.

These tumults induced the ministry to bring in a proposition to the Cortes for repressing the licence of the clubs; and notwithstanding the strenuous opposition of the liberals, it was carried on the 14th October, by a majority of 100 to 45. The meetings of these societies were only to be held upon notice given, and permission received, from the local authorities, and under their superintendance. The individuals thus assembled were in no case permitted to form corporations, or to speak in the name of the people; nor were they to hold correspondence with any similar body.

Towards the close of the session, which, in consideration of important business under consideration, was con-

tinued a month beyond the prescribed period, a general agitation was felt throughout Spain. The execution of the law relative to convents was in some places tumultuously seconded, in others violently opposed. Assemblages hostile to the constitutional system, assuming the form of guerillas, rose in different parts of the kingdom, and when put down in one place reappeared in another. Alarm was also felt at Madrid, when the King, immediately after a reluctant sanction given to the law for the suppression of monastic orders, set out for his palace of the Escorial. Here he was surrounded by the Duke de l'Infantado, his confessor, and other persons supposed to be eminently hostile to the new system. In appointing General Vigodet Captain-General of New Castile, he issued a commission entirely in his own hand-writing, without the signature of the minister, as required by the constitution; and on the omis-

sion being pointed out by the permanent deputation of the Cortes, shewed little disposition to correct it. Meantime tumults ran high at Madrid; the municipality of that city sent addresses more and more energetic, urging the King's return to the capital. At length the danger appearing serious, he deemed it expedient to yield. On the 21st November he entered Madrid, guarded by two lines of soldiers, and amid the report of a hundred pieces of artillery. A vast multitude raised cries of "the constitution! the constitutional King!" but without any disturbance. The liberals now completely regained the ascendancy. The Duke de l'Infantado, with his adherents, were sent into retirement; while Riego was named Captain-General of Arragon, Velasco of Estramadura, and Espinosa of Old Castile. Thus closed for Spain the memorable year of 1820.

## CHAPTER X.

### PORTUGAL.

*State of the National Feeling—Revolutionary Junta formed at Oporto—The Army marches to Coimbra—Regency attempts to conciliate—Revolution at Lisbon—Union of the Juntas—Arrival of Lord Beresford—Discussions—Final Arrangement—Elections.*

PORTUGAL had groaned still more heavily than Spain under the extinction of her ancient glory, and the oppressive yoke of absolute power. The period when her navies rode triumphant over distant oceans, and subjected the empires of the east and of the west, had been succeeded by an era of degradation, in which she with difficulty maintained her place among the secondary powers of Europe. The diffusion of knowledge and thought, and the great revolutions of which she felt the influence, went far to rouse the nation from its lethargy. In bestirring themselves against the invasion of France, the Portuguese were animated by the desire, not only of national independence, but of recovering the ancient freedom of their constitution. In this respect they had not, we fear, much cause to congratulate themselves in the treatment which they experienced from Britain. The national junta, formed upon the liberation of the country from French dominion, was put down by the British military force, and its place supplied by a regency acting under the sole authority of the King of Britain, whose military force formed the sole prop of the power of that mo-

narch, could certainly, as she did in Sicily, have insisted upon his granting to his subjects a form of a free constitution. She never, on this head, however, offered any thing beyond barren advice. Other discontents rankled in the minds of the Portuguese. Since the King appeared to have fixed his permanent residence in Brazil, the European part of the monarchy saw itself reduced to the condition of a mere province, under what it was accustomed to view as a humble and tributary appendage. The general command of the army, still retained by Marshal Beresford, and the numbers of English officers holding commissions in it, seemed to fix upon them a stamp of foreign subjection. The patriotism, moreover, of the Portuguese troops was mightily inflamed by the almost total cessation of their pay, and by the privations of every kind which they endured in consequence of the financial embarrassments of the regency.

Under the combined influence of all these causes, the spark which fell from the Spanish revolution could not be long of bursting into a flame. Oporto, the centre of Portuguese commerce, had naturally imbibed the greatest por-



tion of the new ideas, and was the most ripe for a change. The plan of raising the standard of liberty had been secretly formed by a number of the principal officers of the army stationed there, at the head of whom was Sepulveda, a young man of birth and talents, whose father had taken a distinguished part against the French in the late revolution. On the night of the 23d August, a meeting was held, and the immediate execution of their design was resolved upon. The officers going through their respective quarters, called together the troops, and represented to them the degraded and enslaved state of the nation, as well as their own wants and privations. These evils could be remedied only by the formation of a constitutional order, such as they had seen so happily established in a sister kingdom. The soldiery, with loud cries, assented, and swore fidelity to the King, the Cortes, and the constitution. At day-break the event was first announced to the people by a general discharge of artillery; and the whole had rather the appearance of a public festival, than of a great political and military revolution.

This great event, being reported in the north of Portugal, and the fortresses along the Minho, was followed by a general declaration in favour of the new system. In the course of a short time the junta found themselves at the head of upwards of 20,000 men. Of the troops ordered by the regency to march upon Oporto, under the command of the Conde de Amarante and General Victoria, the greater part joined the revolutionists; the rest dispersed, and sought safety within the Spanish frontier. The army of the junta, therefore, found no difficulty in advancing upon Coimbra, where it halted, hoping to attain its object, rather by the voluntary concurrence of its brethren in arms, than by the painful alternative of a civil war.

The regency now found themselves reduced to an extremity, in which only the most ample concessions could afford a hope of maintaining their ground. They issued a decree for the convocation of the Cortes, though under the ancient form of the commons, nobles, and clergy, sitting in separate houses; they undertook to solicit the King to send into Portugal a Prince of his house; they suspended the English officers; they announced immediate steps to be taken for discharging the arrears of pay due to the troops. But these measures were taken too late, and were too evidently prompted by the impending peril, and likely to pass away along with it, to have any effect in arresting the progress of revolution. If the institutions now called for were too democratic, the old feudal Cortes was founded upon forms of political society that had wholly passed away, and could in no degree satisfy the national wish. Notwithstanding, therefore, all the promises and proclamations of the regency, and their attempts to under-rate the actual strength of the hostile party, the ferment in Lisbon was continually increasing, and a crisis evidently could not be far distant.

A peculiar circumstance was likely to hasten the dreaded convulsion. The 15th September, as the era of the expulsion of the French from Portugal, had been ever since celebrated by a general field-day of the troops. So serious, however, did the regency consider the disposition now prevalent in the army, that they ordered this custom to be discontinued, and the soldiers to remain in their barracks. The determination, however, was already taken to celebrate this day by another species of deliverance. At four in the afternoon, a regiment quitted their quarters, and hastened to the great square, where they immediately began to call aloud, the "Constitution, the

King." This signal heard, all the different regiments, including the militia, were successively seen arriving on the same spot, raising similar cries, which were soon echoed by the whole population of Lisbon. Field-Marshal the Marquis de Rezende, and other high officers, were carried away by the torrent. The multitude, in their enthusiasm, called for an old popular magistrate, named "the Judge of the people," whose functions had long ceased, but whose name was still dear to them. Under his superintendence a junta was formed, and notice was given to the troops from Oporto, that their brethren in Lisbon were ready in every respect to co-operate with them. Some difference, however, arose between the two juntas, each claiming the superiority: that of Lisbon, as being formed in the capital; while that of Oporto boasted of themselves as first formed, as the authors of Spanish liberty, and as generally recognized throughout the provinces. After some discussion, the affair was adjusted by the two juntas being incorporated into one, and being appointed to proceed jointly to arrange the mode of convening the Cortes.

In this state of affairs a crisis occurred, which was the subject of some temporary alarm. Marshal Beresford, foreseeing, and hoping to avert the present storm, had some time ago sailed for Brazil, to represent to the King the necessity of taking measures to satisfy the soldiers and people. It was now announced, that he was returned, and in the river, bringing money for the pay of the troops, and ample power to introduce such reforms into the government as might still the national discontent. He was invested particularly with the unlimited military command, under the title of Marquis of Campo Mayor. His vessel, the *Ventueur*, commanded by Captain Maitland, anchored opposite to the palace

of La Junqueria. The junta, alarmed by this intelligence, which already produced some symptoms of counter-revolution, sent immediate notice to Lord Beresford, that such a change had now taken place, as rendered his assumption of the powers thus delegated entirely out of the question, and that he had no alternative but to proceed directly to England. The Marshal employed successively threats and conciliation; he at length solicited merely permission to land for the adjustment of his private affairs. Every overture being rejected, he finally urged, that as Captain Maitland was under orders to proceed to the Mediterranean, he was left without any means of conveyance to England. The junta replied, that if the packet-boat, which was about to sail, could not answer this purpose, they were ready to provide him with another vessel. Marshal Beresford at length determined to sail in the packet-boat, and he even paid into the hands of the junta, the sum of 106,952 piastres, which he had brought for the pay of the troops. On this transaction being brought under the view of the British government, they very prudently declined giving any opinion, and referred it entirely to the determination of the King of Portugal.

This external danger was succeeded by one arising within the bosom of the assembly itself. The difficulty was about the mode of forming the elections. The Oporto members wished them to take place on the popular model adopted in Spain; while the Lisbon part of the junta preferred the mode used in choosing the ancient Cortes. The former opinion, being supported by the troops and people, prevailed; and decrees were issued to conduct the elections on the Spanish model, at the rate of one deputy to 30,000 inhabitants. The electoral assemblies were to be held on the 26th Novem-

ber, and the Cortes to meet on the 6th January 1821. That body, when assembled, was to fix the other particulars of the constitution.

This arrangement did not satisfy the more violent partizans of liberty, who called for nothing less than the entire acceptance and immediate enforcement of the Spanish constitution. With this view, on the 11th November, a great body of the troops, in concert, as was supposed, with Silveira, Vice-President of the junta, appeared in arms. Under the influence of this assemblage, the junta decided upon the immediate proclamation of the Spanish constitution, at the same time making certain changes in its own internal composition. The oath was immediately taken by the troops, amid loud acclamations, and the change was forthwith announced to the people.

Although this last movement, amid the surprise of the moment, had taken place with outward apparent harmony, a considerable part of the military kept aloof, and murmurs began soon to arise in the public. Four members of the junta, and 150 officers, gave in their

demission. It soon appeared that the hasty step of the 11th November was taken contrary to the general tenor of public opinion. After a good deal of interior fermentation, the principal military officers assembled in council on the 17th, and resolved, that the members who had demitted, should be invited to resume their functions; that the elections should take place on the same footing as for the Spanish Cortes; but that the new constitution should not be put in action till it was adopted, with the requisite modifications, by the Cortes of Portugal. These resolutions were immediately acted upon. The members who had resigned, resumed their places. Silveira, in his turn, was obliged to resign, and on the 20th, was ordered to quit Lisbon in 24 hours.

This crisis put an end to the disturbances which had agitated Lisbon. The elections were tranquilly proceeded in; but as the Cortes did not meet till the following year, we must of course reserve till the next volume our account of its proceedings.

## CHAPTER XI.

### ITALY.

*State of Naples—The Carbonari—Insurrection at Nola—Rapidly spreads—King accepts the Spanish Constitution—Troubles in Sicily—Expedition of Pepe—Convention at Palermo—Parliament meets—Its measures with regard to Sicily—Views and measures of Austria—Of Russia—Congress at Troppau—Invitation to the King of Naples—His departure for Laybach.*

POPULAR revolutions have a natural tendency to spread; and there were several countries, too closely connected with Spain, and too much united to her in political feeling, not to be liable to imbibe the contagion. Italy was united to her by many ancient ties; and amid the soft effeminacy into which she had sunk, powerful stirrings of her ancient spirit began to be felt. An indignant recollection of departed greatness had become a leading feature in the mind of the modern Italians. The works of her recent poets are filled with the memory of her former glories, and lamentations over her present downfall. The various revolutions through which the country had passed during the last twenty years; even the temporary sway of France, though it was only that of a military despotism, had tended to enlarge the sphere of their political ideas and information. Even before the return of the King, a general call for a constitutional government had been raised. This was recognized and sanctioned by Ferdinand of Naples in his proclamation, issued at Palermo on the 1st May, 1815. He there told his subjects: "A go-

vernment, stable, wise, and religious, is assured to you. The people will be the sovereign, and the monarch will only be the depositary of the laws, which shall be decreed by a constitution the most energetic and desirable." He afterwards added,—"Can you possibly doubt the promises of that father, who, born among you, has every thing in common with you?"

The Neapolitan people had thus a just right to expect from their King the gratification of their wishes for a representative government. But besides the natural tendency of Kings to forget such pledges, after they have served their temporary purpose, a foreign influence of a most powerful nature was exerted in an opposite direction. Austria, which had been the immediate instrument in restoring the Neapolitan family, and still held military possession of the country, claimed a right to bar the adoption of any step tending to commit the tranquillity of her own Italian dominions. In conformity to these views, there was concluded at Vienna, on the 12th June, 1815, a secret convention, of the following tenor:—

"The engagements which their Majesties contract by this treaty, to secure the internal peace of Italy, rendering it incumbent on them to preserve their respective states and subjects from fresh reactions, and from the danger of imprudent innovations, which would lead to their return, it remains understood between the high contracting parties, that his Majesty the King of the Two Sicilies, on re-establishing the government of his kingdom, shall admit of no changes which cannot be conciliated, either with the ancient monarchical institutions, or with the principles adopted by H. I. and R. A. Majesty, for the internal government of his Italian provinces."

Notwithstanding this contrary obligation, the King did not lose sight entirely of his promise. He introduced reforms into the municipal and subordinate branches, and endeavoured to do for his people what could be done, without the infraction of the Austrian treaty. These concessions, however, were not at all calculated to meet the desires and just expectations of the nation. A deep discontent, therefore, fermented among them, and was organized, particularly among the secret societies. These societies have been loudly denounced by the present rulers of the world; and we are not disposed to dispute their inconveniencies. Their members are in a great measure exempted from that check of public opinion, which is so necessary to the weakness of human nature. In a body of men, through the whole of whom one opinion reigns undisputed, that opinion, through the zeal of each to distinguish himself in its cause, is likely to be carried to an extravagant height. Such societies, too, can scarcely be carried on without an almost despotic power in the hands of the chiefs, subject of course to all the abuse to which, in the hands of frail mortals, such

power is liable. Secret societies seem, therefore, a very inexpedient mode of discussing and arranging political concerns. But here arises the question—Suppose that there exists an absolute *veto* upon all public discussion: that deprivation of office, banishment, or prison, await all who address any petition or remonstrance hostile to the existing order, then either all political discussion and inquiry must cease, or they must be carried on secretly.

Among these secret societies, the decided lead in Naples had been taken by that of the *Carbonari*. This name, at which the mightiest monarchs now tremble, derives its origin from an ancient and somewhat obscure source. During those ages which preceded the regular administration of law and justice in Europe, it became customary for those exercising particular trades, to form themselves into associations for mutual aid and defence against feudal violence. Among these were the *charbonniers*, or charcoal-makers of France, whose occupation rendered it impossible for them to seek the shelter of fortified towns, within which other manufacturers found security. They refer particularly to Francis I., as having bestowed ample privileges on their order. Their legends make particular mention of Scotland, probably from coal being so large a product of that country. The Genoëse territory contained always a branch of these combined *charbonniers* (*carbonari*), but it was not till the French Revolution, that the order began to spread through all classes, and to assume a political character. Its introduction into Naples, and diffusion through Italy, was chiefly due to the exertions of an individual of the name of Maghiella. This person held first an office in the Ligurian republic, and afterwards in the service of Murat. Under his auspices, an institution well suited to a period when men generally cherished secret and forbidden senti-

ments, spread rapidly and extensively. The object of Maghella seems to have been, to make the Carbonari an instrument in compelling Murat to grant a constitution to Naples. The plan, however, was not acceptable to that prince, and on Maghella's share in it being discovered, he was degraded from office, and sent to Paris. Being liberated after the fall of Buonaparte, he again found admission into Murat's service, and even engaged that prince to enter into his views, and to seek the aid of the Carbonari in his schemes for becoming master of Italy. He could not obtain their confidence, however; and on his being crushed by the Austrian force, Maghella fell along with him.

Notwithstanding these vicissitudes in the fortune of one who might almost be considered as its second founder, Carbonarism continued more and more to flourish in Naples. The initiated into this sect, called "the Good Cousins," form a class entirely separate from the rest of mankind, whom they brand with the opprobrious name of Pagans. They are divided into *vendite*, or lodges, all dependent on the *alta vendita*, or principal lodge, established in the capital. Their professed object is to restore to mankind that liberty, virtue and happiness, of which depraved institutions are said to have deprived them. They profess to be strongly impressed with religious ideas, though these, by a singular process, are all brought within the Carbonari circle. Christ is revered as the Grand-master of the order, while the Deity is worshipped as the "Grand-master of the universe." The initiation into the higher orders is attended by ceremonies which we know not well how to characterize. The candidate is made to go through a full representation of our Saviour's passion. He is called before the council, tried and condemned; a crown of thorns is placed upon his head; he is bound, scourged, and

mocked; the cross is then laid upon his shoulders, and borne to the place of execution, where he suddenly receives a pardon. These strange ceremonies, he is finally told, are intended to warn him, that, like his Grand-master, he must be prepared to endure suffering, and even death, in the cause which he has embraced. At the same time, the rules of the order exact from the "Good Cousins" a purity, and even austerity of morals, which is foreign to Italian habits, and is compared to those of the English puritans.—Those guilty of seduction, adultery, intoxication, even of playing at games of chance, are expelled or suspended, according to the enormity of the offence. They particularly boast of the conversions which they effect upon notorious bandits, and others of the most profligate characters; and of the generous and amiable deeds which these persons perform, after their admission within the pale of Carbonarism.

In regard to their political relations, the Carbonari form most completely a state within a state. The strictest equality is enforced in every respect, except that of distinctions arising from the different degrees of Carbonarism. The commander of a fort has been seen seated at the table of the *Vendita* beside the galley-slave, confined there for his crimes. All the differences which arise between the Good Cousins must be settled by tribunals formed within the institution. To carry a cause before any of the pagan courts, is considered sufficient ground for forfeiting all the privileges of the order. This leads us to the deepest blot in the character of Carbonarism. Among other rights, is claimed that of inflicting death upon all, whether initiated or pagan, who are adjudged worthy of it by the tribunals of the order. The dagger of the Good Cousin must be the instrument; and a poniard, worn at his breast, is the essential character

of every Carbonaro. It must be evident, that this is a right which no society, at all civilized, can allow to its members. The case might be very different with the ancient *Tugendbund* and Free Knights of Germany, and with the Beati Paoli of Sicily, who undertook to redress public wrongs, in an age when might constituted right, and when there was nothing to protect the weak against the oppression of the strong. There is nothing in the present administration of justice in any of the European kingdoms, which can admit of such deeds bearing any other character than that of direct assassination. Certainly this sect could not possibly take more effectual means of defeating their professed purposes. The enemies of them, and of the principles which they support, have thus an exceedingly fair ground of representing both as incompatible with the security and the very existence of society.

The discontents generated by the continuance of the Austrian troops in the kingdom, and by the refusal of a constitution, swelled always more and more the numbers of a body which had become the rallying point of all who sought to procure to Naples the benefits of a free government. In the month of March 1820, no less than 642,000 are said to have been enrolled on its registers. In this state of things, a very small beginning was sufficient to produce an important revolution. This beginning arose from a small detachment of the Bourbon regiment, which was in garrison at Nola. Morelli, a lieutenant in this regiment, and Minichini, a canon, undertook to change the government of Naples. On the 2d July, Morelli called his men together; painted to them all that the kingdom endured from the want of a constitution, and the glory which they would acquire by taking the lead in giving one. The soldiers were not long of being moved to an unanimous cry of "God,

the King, and the Constitution." A troop was thus collected of 180 dragoons and 20 Carbonari, with which they marched upon Avellino, the capital of the province of Principato Ultra. A command was held there by Colonel de Concili, an intimate of Morelli, and already well affected to the cause. On being assured of the above facts, and of the immediate intention of the constitutionalists to march upon Avellino, he determined to embrace their cause. No difficulty was found in securing its favourable reception by the 300 men who were in garrison there. On the morning of the 3d, the troops from Nola entered Avellino, preceded by 200 Carbonari, bearing the tri-color standard of the order (black, red, and sky-blue.) The authorities, who had at first made some resistance, at length united themselves to the new cause; and the constitution was proclaimed at Avellino, amid the universal acclamations of the troops and people.

The revolutionary party, now masters of Avellino, sent emissaries to all the neighbouring towns and provinces, well assured of finding confederates in every quarter. When intelligence of this movement arrived at Naples, all who were in any degree aware of the state of the public mind, foreboded the most fatal issue to the established government. They foresaw that the revolution must rapidly gain strength, and that there was not a single body of any description which could be relied upon for acting against it. The royal family, however, having made arrangements for appearing in public that evening, did not alter their purpose; and their countenance and deportment exhibited no traces of agitation. General Campana, however, with Catraccosa, Nunziante and Ambrosio under him, was directed to march, with all the troops which could be collected in Naples, to attack the insurgents. The latter fortified themselves by strong

palisades at Monteforte, while the royal generals, after exchanging a few musket shots, fell back behind Salerno, and studiously withdrew their troops from any communication with the opposite party, from whose contagion every thing was to be dreaded.

At Naples, meantime, the ferment became daily more and more violent, and even the troops were with difficulty retained in subordination. Matters came to a crisis, when, on the evening of the 5th, General William Pepe, who had just been appointed to the command of the Calabrias, set out with a regiment of dragoons, to join the troops at Avellino. Soon after, the two regiments, which were left to defend the palace and the capital, presented petitions to the King, soliciting him to accede to the constitutional system. Every hour, fresh dispatches arrived from the provinces, announcing some new defection; and it became continually more evident that nothing could stop the progress of that mighty torrent, which was carrying every thing before it.

The King, in consequence of his obstinate refusal to grant a constitution, while any choice was left, now found himself in the humiliating condition of being obliged to grant one, without any grace, and without being able to dictate or modify any of its articles. He made a last attempt, however, to retain something in his own hands. A proclamation was issued, stating that the general wish of the nation having been declared in favour of a constitutional government, he consented to it fully and freely, and would publish its fundamental articles in a few days. But in the present state of mind among the revolutionary party, their confidence of actual strength, and their fears for the future, this concession was not deemed sufficient. The troops sent a deputation in reply, demanding the acceptance within twenty-four hours of

the Spanish constitution. The demand was seconded by tumultuous calls from the guards, the students, and nearly the whole population of Naples, assembled at the gates of the palace. This draught proved too bitter for the aged monarch. He chose rather to resign, and to devolve upon his heir, the Duke of Calabria, the hard task of resigning so large a portion of the sovereign authority. He, therefore, published a proclamation, in which, alleging his infirm state of health, he committed the entire government of the kingdom for the present, into the hands of the Duke, constituting him Vicar General, with all the rights and prerogatives of royalty. The Prince then emitted a proclamation, accepting the Spanish constitution, and engaging immediately to convoke the Parliament on that basis. The people, however, felt serious uneasiness at the evident reluctance of the King to accede to this innovation. The agitation, therefore, continued without intermission, till the King, yielding to the influence of fear and necessity, came forward with a third proclamation, in which he confirmed the promise made by his son, reserving only to the national Parliament the power of making such modifications in the constitution as it should judge expedient. Two days after, a junta of fifteen persons was formed to carry these declarations into effect. At the same time, a complete change took place in the ministry; all those formerly in office, giving in their demission, while their places were supplied by the most steady supporters of the new system. The Austrian general Nugent, formerly at the head of the Neapolitan army, saved himself only by seeking refuge in the house of the English ambassador; while General William Pepe succeeded him as generalissimo.

Every thing being thus arranged according to the wishes of the constitu-



tional party, the grand entry of the troops and Carbonari took place on the 9th July. The entire number of soldiers, militia, and peasantry, was supposed to exceed 60,000, all adorned with the tri-coloured cockade, and shouting "the Constitution; the King! the Neapolitan people!" These acclamations of the multitude were unbounded, and continued through the whole day, and a part of the night, but without any tumult or disturbance. General Pepe was introduced by the Duke of Calabria to the King, and graciously received. On the 13th, the King and the Princes, in presence of the junta, took the oaths to maintain the constitution, and received those of the members of the junta. The harmony of this day, however, was interrupted by a quarrel between two detachments belonging to different regiments, which was attended with a little bloodshed, and shewed the existence of some jarring political feelings.

The new government were placed in a somewhat delicate situation, by the movement which took place at Benevento and Ponte Carvo. These two places belong to the Roman States, but are insulated and inclosed within the Neapolitan territory. They shared its movements, and as the only means of securing to themselves a constitution, solicited an union with the kingdom of Naples. To have acceded to such a proposition, however, would have been highly imprudent, as it would have afforded to the neighbouring states just ground for representing the new order of things in Naples, as inconsistent with their repose and security.—The Neapolitan government completely resisted the temptation thus held out to it, and gave notice to the disturbed cities, that they could in no degree interfere in their internal affairs. All Neapolitans were strictly prohibited from being in any degree concerned in these proceedings. The two cities,

however, proclaimed their own independence, and were supposed to be secretly supported by the Carbonari of the capital.

The revolution, which was established in one branch of the kingdom in so tranquil and auspicious a manner, suffered a deep and fatal blot from the events attending it in another. Sicily, when defended by England, and under the auspices of Lord William Bentinck, had received a constitution, which united whatever was good in its ancient feudal arrangements with the more popular and improved elements of modern legislation. This constitution was dear to the Sicilians, and not less the accompanying declaration, which secured to them their ancient independence upon Naples. The restoration of the King to his Neapolitan territories was therefore a gloomy era to them. Under the influence of Austria, he withdrew all the political privileges which he had granted, and incorporated Sicily into one kingdom with Naples. These proceedings rankled deeply in the mind of the Sicilians; it was not enough for them to obtain a representative constitution, unless they also regained their ancient national independence. When, therefore, on the 14th July the revolution at Naples was announced, it was hailed with joy, and its tri-coloured ensign immediately hoisted; but with this the Sicilian yellow was quickly observed to mingle. Next day this badge multiplied, and the populace began compelling all they met to assume it. With the cries of "the Constitution," those of "Independence" were now combined. While these elements of tumult were fermenting, General Church, who commanded the place for the King, happening to pass along the street, is said to have forcibly taken the yellow cockade from the bonnet of a priest. At all events, he involved himself in a quarrel; and the populace, to whom his English

origin already rendered him odious, turned their undivided fury against him. He escaped only through the aid of General Coglitore, who received two wounds in endeavouring to protect him; his house was pillaged and burnt. The populace now surprised the forts of Palermo, and seized the arms deposited in them. In the night, however, Naselli, with the government and nobles, rallied their strength, and while they appointed a junta, who were supposed agreeable to the people, took measures to restrain their excesses. The forts were recovered; but in the morning, when attempts were made to recover possession of the arms taken from them, a new struggle ensued. The populace had recourse to the terrible expedient of breaking open the prisons, and letting loose 700 or 800 galley slaves, who were confined there. With this dreadful aid, they gained a complete victory over the royal troops. Prince Cattolica, who had placed himself at their head, was massacred, and General Naselli with difficulty escaped on board the vessels. The whole city was given up to pillage. The carnage on this fatal day is supposed to have amounted to not less than 1500 killed and wounded. During the night, however, the municipality and the respectable citizens again rallied, and chose a junta, at the head of which was placed the Prince of Villa Franca, just returned from Naples, where he had refused to take any constitutional oath to the prejudice of Sicily. The people were soothed by honours decreed to those who had led them on in the last contest, particularly to a monk of the name of Vaglica, who had placed himself at their head. Means were found to induce the convicts to deliver up their arms, and to leave the city; and a general amnesty was granted.

Palermo being thus restored to tranquillity, the first care of the junta was

to proclaim the Spanish constitution, and to order the election of deputies for the Cortes, but only for Sicily as a separate kingdom. At the same time, a deputation of eight, with the Princes of Pantellaria and San Marco at their head, were sent to Naples, to negotiate the acceptance of the constitution which Sicily had thus framed for herself. There could not be a more perfect right than that which she had to expect its full recognition. She had been originally a separate kingdom; her independence had been repeatedly and recently recognized by the Kings of Naples; finally, she could claim the same right which the Neapolitans were then exercising, of a people to chuse their own constitution. Every principle, both old and new, both feudal and revolutionary, was decidedly in her favour. We do not say, that her demand was a very wise one, or that the prosperity of both kingdoms might not have been better promoted by union. Still it was by persuasion and negotiation only, not by compulsion, that this union could be legitimately effected.

The views of the Neapolitans were very different; and it formed a deadly blot on their new found liberty, that the first use made of it was to tyrannize over their neighbours and fellow-subjects. As soon as tidings arrived of the events in Palermo, the populace rose upon all the Sicilians, who were saved only by being placed under confinement, and carefully guarded.—When the Palermitan deputies arrived, they were not allowed to proceed farther than the island of Procida. It was there announced to them, that no proposition could be listened to, which was not founded on the entire union of the two kingdoms, and the formation of one legislature. As there appeared no prospect of concession on the other side, force was without hesitation resorted to, and an expedition

was prepared to compel the Palermians to be free in the Neapolitan manner.

One circumstance, which inspired hopes of success, was, that Sicily itself was not unanimous. Two of its districts, Trapani and Messina, preferred union with Naples, and sent in their adhesion. Hereupon, ~~any~~ party should be less in the wrong than another, the Palermians prepared to compel by force of arms these dissentient districts to unite with the general cause of Sicily. A civil war on a small scale was hence kindled in the interior of the kingdom. Thus, all parties in these kingdoms were equally buried, at once in asserting their own independence against foreign aggression, and in subverting the independence of others.

Meantime the Neapolitan government was employed in fitting out the expedition which was to establish its supremacy over Sicily. It amounted to 4000 men, and was placed under the command of General Florestan Pepe, brother of William Pepe, who had taken such an active part in the revolution. Pepe landed near Messina, and proceeding along the coast, successively attacked the different towns which adhered to the Junta of Palermo. Although the resistance was zealous, yet being made by a mere armed multitude hastily assembled against a regular force, it was in almost every instance inefficacious. One town after another opened its gates; and when at length Termini yielded without a struggle, the Palermian government gave up all hopes of making a successful stand. The Prince of Villa Franca prevailed upon the people to accept the propositions of the Neapolitan general, who accordingly began his march to take possession of the city. Before his arrival, however, an entire change had taken place. The populace, instigated by the monk, Vaglica, rose, de-

posed the Prince of Villa Franca, dissolved the junta, and having formed a new government under the Prince of Palermo, were prepared to defend themselves to the last extremity. Pepe, finding when he arrived on the 25th September, that there were no hopes of pacific submission, led on his troops to the assault. The feeble barriers of Palermo were forced; the Neapolitans entered the city, and a dreadful conflict began in the streets. The Sicilians gave way at every particular point; but they fortified themselves in the houses and public buildings, and still maintained a vigorous resistance. It was only by giving up the whole city to fire and sword, that Pepe could have achieved its full capture. He withdrew his troops from the place; but whether moved by humanity, or by dread of the result, is not agreed upon by the respective parties. The Palermians, who chose the latter interpretation, shut their gates, and commenced with new vigour. A severe bombardment somewhat cooled their zeal; and at length a negotiation being opened on board the Racer English cutter, it was stipulated, on the 5th October, that the majority of votes in an assembly of the Sicilians legally called, should decide on the future union or separation of the kingdoms. The Neapolitan troops were then allowed to occupy the forts and the city; a new junta was formed, over which the Prince of Paterno still presided; and amity was apparently re-established. How long this continued cannot be shewn, until we have taken a view of some of the events which occurred at Naples.

The elections proceeded with such rapidity, that the national Parliament met on the 1st October. The nominations had been almost entirely in favour of the high constitutional party. The *Calderari* indeed, a sect origi-

ted by individuals expelled from the Carbonari, had endeavoured to obstruct its operations, but without any material success. The King opened the assembly in person, though he still left the executive administration to the Duke of Calabria. In his opening speech, he referred to the modifications which it was left open for Parliament to make, upon the constitution adopted from Spain. He clearly intimated his wish, that it should be established "on the basis of our ancient institutions, and on the ideas which are familiar to us." No regard was paid to these hints. The constitution was preserved on its original Spanish basis, with the exception of a few modifications that were quite insignificant. In the clause prohibiting the exercise of any religion except the Catholic, the word *public* was introduced, thereby tacitly allowing the freedom of private worship. The King had already boasted, that Naples had never disgraced herself by religious persecution.

We need not dwell on the ephemeral decisions of this ill-fated convention. The Minister of Finance, in comparing the first six months of the present year with the same period of the last, found a diminution of revenue to the amount of nearly four millions of ducats. This arose from the taking off a large proportion of the duty on salt, and from the failure of remittances from Sicily. In the budget for the following year, the revenue was estimated at 19,380,000 ducats, the expenditure at 21,014,000. The deficit of 1,634,000 ducats would, it was hoped, be covered by ameliorations in the financial system, as well as by a reduced expenditure.

An important and trying subject was soon brought under the consideration of the Parliament. The convention concluded with the Palermi-

tans, by General Florestan Pepe, arrived for ratification. On its being laid before Parliament, that assembly, instead of eagerly embracing the opportunity of putting a period to so miserable a contest, absolutely annulled the proceeding, and refused to accept of any thing short of the entire union of Sicily with Naples. General Coletta was sent, with 5 or 6000 Calabrians, to supersede Pepe, and prevent any fresh rising of the people of Palermo. After our former observations on this subject, we need not say what we think of this new proceeding. To the essential injustice and impolicy of the measure, was now added the dishonour of violating a compact, formally entered into by the accredited officer of the government, and for which they had received and meant to keep what the other party stipulated in return. The Parliament thus took care, while so dreadful a storm of war impended over the nation, that not only no aid should be derived from Sicily, but that the flower of their force must be employed in imposing upon that kingdom the yoke, which Naples could only, by the exertion of all her strength, have averted from herself.

These movements in the south of Europe had not passed without the most deep observation on the part of that monarchical confederation, which had proclaimed itself under the somewhat injudicious title of the Holy Alliance. A change of government, effected in a compulsory manner by subjects, and even by armies, and this spreading throughout Europe, appeared to shake all the foundations on which their thrones rested. Those revolutions, therefore, even when occurring in the comparatively distant and insulated quarter of the Spanish peninsula, were viewed by them with the deepest reprobation. But the case

became much more serious, when the contagion extended to Naples, and when symptoms of similar movements appeared in the other states of Italy. Austria then felt the danger pressing close upon herself, and lost not a moment in adopting the most vigorous measures against it. As soon as the new government was established at Naples, it dispatched Prince Cariati to Vienna, with the view of affording to that court every explanation which could soothe the displeasure that must inevitably be created there. Cariati, however, was refused even an audience, and Count Metternich caused him to be told, that the events at Naples were the work of a faction; that these changes tended to the subversion of social order, and could never be acknowledged by the Emperor. Matters were rendered worse for the new government, by the Neapolitan ambassador, Prince Ruffo, refusing to acknowledge their authority, and even to obey the order for his recall.

Austria now proceeded immediately to the most open acts of hostile preparation. She addressed a circular to all the courts of Germany, in which she remarked how forcibly these events had shewn the violent shocks which might be produced by the poison of revolutionary sects. The intrigues of the Carbonari, without any external shock, without any even apparent pretext had excited those seditious movements, which determined, in a moment of anguish and distress, his Majesty the King of Naples to abdicate the government, to dissolve all existing authorities, and to proclaim a constitution foreign to his country, and not even approved in that where it had taken birth; in other words, to erect anarchy into a law. After congratulating the princes on the catastrophe with which they

had checked the progress of this pernicious sect, remarks are made upon the circumstances, both of geographical situation and political connection, which gave to the Emperor a peculiar interest in the affairs of Italy. These relations not being shared by the other princes of Germany, he forbore calling upon them for any active assistance in this emergency. He undertook by himself to provide for the restoration and maintenance of legitimate government in Italy; and only solicited, that he might be able, during the execution of so great and salutary an enterprise, to depend upon an unalterable tranquillity in the interior of Germany.

In fulfilment of these views, the Emperor immediately proceeded to put in motion all the resources of his dominions. Notwithstanding the embarrassed state of his finances, a new loan of thirty-seven millions of florins was opened—a general levy was ordered—upwards of thirty thousand troops were marched into Italy—and these were continually succeeded by fresh reinforcements, in proportion as they could be drawn from the interior of the Austrian states.

Notwithstanding the eager determination shewn by this power to oppose the progress of revolutionary movements, she could have acted with little effect unsupported by Russia, which, ever since the peace of Paris, had been looked up to as the main arbiter of continental politics. There might have seemed some doubt as to its cordial concurrence, for Alexander, had been accustomed to make even an ostentatious profession of liberal principles, and had been seen, on different occasions, to applaud, and even to recommend the formation of representative governments. It soon appeared, however, that his views stopped far short of

giving the slightest sanction to the proceedings now brought under his consideration. His sentiments had already been elicited by a note, in which the Chevalier Zea Bermudez, the Spanish ambassador at the court of Petersburg, had, rather prematurely perhaps, solicited to know the light in which the Emperor viewed the change in the Spanish government. The reply to this note, and a circular, immediately after addressed to all the Russian ministers at foreign courts, included a pretty complete view of that political creed, by which the Emperor was to be guided in the new crisis which Europe presented. He began by reminding the different courts, how repeatedly and decidedly he had expressed his wish, that the monarchy of Spain should derive strength, by being founded upon strong and solid institutions, suited to the circumstances and wants of the age. These institutions, however, could only be salutary, when they came as a voluntary concession from the crown, not when they were wrested from its weakness. "Emanating from thrones, institutions become conservative—issuing out of troubles, they bring forth only chaos." Upon this principle, it is said, his Majesty "must strike, with his strongest reprobation, the revolutionary means employed to give to Spain new institutions." The allied courts must, without doubt, have deplored with him the crime, which had stained the annals of Spain—a crime deplorable for the Peninsula—deplorable for Europe, which it must keep in perpetual iniquity, so long as no means are employed to efface it. The mode by which this might still be effected, was then pointed out. If the Cortes, instead of legalizing the insurrection of the soldiery, should loudly disavow the crime by which they had been as-

sembled—should pass rigorous laws against revolt and sedition—and should employ themselves in forming an entirely new system of government on wise and constitutional bases, the revolution might then be destroyed in its birth. It is admitted, that only a very faint hope can be entertained of such a course being followed; but the European powers are exhorted to use their utmost exertion to induce Spain to adopt so happy and prudent a measure.

These documents derived undoubtedly their main interest from the knowledge, that their author possessed such powerful means of enforcing them, which he would certainly use within the sphere of his influence. Any reply may be considered as vain. We feel all the disadvantages under which we must argue against an antagonist, who is at the head of half a million of men. As, however, Alexander is fond of appealing to public opinion—as he has clearly evinced, on some occasions, more liberal views than could be reasonably expected from an absolute monarch—as, in short, some of his pleas are not devoid of plausibility, we shall bestow a certain degree of consideration upon them.

It is admitted, that institutions more favourable to national liberty, and involving a certain sacrifice of the power of the sovereign, are called for by the present state of the world, and ought to be granted. It is only required, that these institutions should emanate entirely from the monarch—should be his free gift, and not be prompted by even any fear of insurrection or disturbance. We, so far concur with the imperial reasoner, in thinking it much better that this should be the mode of effecting the change. It is thus produced in a more regular and orderly manner,

while, as we have had occasion to observe, the impulse cannot come from the other side, without entirely sweeping away the sovereign authority. Neither is it to us a very serious objection, that in such a constitution, the royal power is apt to enter as too copious an element. When the people have once obtained a place in the legislature, their influence, backed by the natural force of public opinion, seldom fails insensibly to extend itself; and the danger, in the first period of change, is lest this increase should proceed with too accelerated rapidity. But the question which seems to have escaped the framer of this manifesto, is, supposing it to become evident that they might wait till doomsday before the sovereign, left thus entirely to his own free will, would grant them a single privilege, (and the case, we presume, will be that of ninety-nine out of a hundred) in what manner these institutions, admitted to be desirable, and even necessary, are to be ever obtained? His Majesty, indeed, boasts much of his recommendations to the sovereigns in alliance, to pursue a liberal policy towards their subjects. We are ready to admit the existence of such recommendations, but the people were either ignorant of them, or they must have clearly seen, that they had been made without the smallest effect. Ferdinand had continued, during six years, to pursue a system diametrically opposite, and was still pursuing it; while Naples had bound herself by treaty to Alexander's most intimate ally, not to make any change of the nature which he boasts of recommending. Indeed it is impossible not to remark the different manner in which Alexander visits the conduct of kings and of people, when both depart from his standard of propriety. To the form-

er, he tenders only gentle and polite advice, the rejection of which is not productive of offence, or even coldness; while, when the latter offend, army after army is poured in, to compel them, at the point of the bayonet, to return within the sphere of their supposed duty.

Another, and not, unpalatable charge against the new system is, that they were chiefly produced by military interference. The irregularity of this is admitted. A constitution imposed by an army upon their reluctant fellow-citizens, is incompatible with any idea of freedom, or even of regular government. But there is a wide difference in the case, where the sentiments of the great body of the people have become so powerful and universal, as to reach and be shared even by the army; when the troops and people act in strict concert; and when the former, after the first effervescence is over, return into their natural state of subordination. Such has been decidedly the case, both in Spain and Naples. The constitution being once established, the soldiers, unless in a few short and easily suppressed instances, assumed nothing of a prætorian character, nor attempted to dictate the proceedings of the legislative bodies, whose assemblage they had procured. These governments were not the very best possible, but they did not bear any character of military governments.

Such considerations not having had any weight on the mind of Alexander, Austria soon found that she might calculate on his entire concurrence in the measures which she contemplated. To enable them to proceed in concert, a grand Congress was fixed at Troppau, a town of Silesia, situated near the Polish frontier. The two Emperors arrived between the 18th and 20th October, but the King of

Prussia was delayed by illness till the 7th November. The ambassadors of France and England, the Count de la Ferronnays, and Lord Stewart, were allowed, probably invited, to be present. The three sovereigns were not long of coming to a full understanding. France assented, but without choosing to enter into any active concurrence. The British ambassador alone opposed, though ineffectually, the design of having recourse to arms. Towards the end of December, it was announced in a demi-official form by the Austrian *Observer*, that "the high monarchs have taken the firm resolution of employing all their energies, in order that the actual state of things in the kingdom of the Two Sicilies, produced by revolt and violence, may be destroyed."

As a preliminary to future active measures, the monarchs took a step, the motives of which became afterwards sufficiently apparent. On the 20th November, the Emperors of Russia and Austria, and the King of Prussia, wrote each a letter to the King of Naples, inviting him to repair to meet them at an adjourned Congress to be held at Laybach, on the frontier of Northern Italy. No definite object was stated. The letters only expressed their deep anxiety for the welfare of his Majesty, and the repose of Europe, and their earnest wish to treat with himself in person on the subject of the present state of his kingdom. His presence, they assured him, would form the surest means of conciliation—would enable them to afford new proofs of their friendship—and would promote the best interests of his kingdom. The King of France wrote, on the 3d December, a letter, in which, both as a relation and as a member of the Holy Alliance, he strongly urged compliance with this invitation.

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In Naples, meantime, great preparations were making for war, or at least, strong resolutions passing to that effect, though not executed in a very efficient or judicious manner. On the 1st December, a great emotion was excited in the Parliament, by a royal message, in which, the King, referring to the menacing attitude of foreign powers, held out the hope of averting the calamities of war, particularly through the mediation of France, provided certain modifications in the constitution were agreed to. These were, 1st, The formation of a House of Peers—2. The abolition of the permanent deputations of the Parliament—3. The election of the counsellors of state by the King—4. An unlimited royal veto—5. The proposition of the budget, and of new laws to originate with the King—6. The King to have the right of dissolving the Parliament.

The Parliament was not of a composition, or in a temper, to be at all likely to listen to such propositions, especially when recommended on a ground so little compatible with national independence. After a warm debate, in which scarcely any one attempted to support the royal propositions, a decree was passed, stating that the Parliament could take no concern in negotiations which lay entirely within the sphere of the royal prerogative; but that, however great the dangers with which the kingdom was menaced, they were determined to brave them all, in order to preserve unimpaired the adopted Spanish constitution.

A few days after this proceeding, the King received the letters of the three sovereigns, and immediately determined to comply with their invitation. This intention he announced in a message to the Parliament,



dated 7th December. He strongly protested, that his only object was to give a new proof of love to his people, and to do every thing in his power to enable them to enjoy a wise and liberal constitution. In the view of forming it, he enumerated individual liberty, the imposition of taxes, and the passing of laws by a national representative body—the liberty of the press, and the independence of the tribunals, as bases from which he would on no account depart. The tenor of the message, however, clearly indicated, that he contemplated the formation of a new and modified constitution at Laybach, under the auspices of the allied Sovereigns.

An extraordinary ferment was excited by this message, both in the Parliament and the city. Without doors, the public sentiment was strongly pronounced, both against any change in the constitution, and against the projected departure of the King. The Parliament, after a stormy debate, framed a special commission to draw up an answer. On the following day, a decree was transmitted to the King, in which, referring to the different decrees and acts upon which the constitution had been founded, they declared the impossibility of admitting any modification upon it, except those which they themselves had proposed. The King, in reply, expressed his deep grief at the light in which some persons had viewed his resolution. He never had the idea of violating the constitution to which he had sworn, but having then reserved the right of proposing modifications, he hoped to obtain the consent of the allied powers, only to such, however, as might be agreed upon by the nation, and by himself. The Parliament, still dissatisfied, only reiterated, in an address of the 9th, their determination to support the Spanish constitution, without any

modification, except what they should themselves propose. The King, thus driven out of every evasion, at length declared, by a rescript of the 10th, that his only object in going to Laybach, was to support the Spanish constitution, as generally sworn to. He then solicited a permission, in express terms, for his departure. After two days' consideration, the Parliament passed a decree, granting to the King the permission which he sought, and appointing the Duke of Calabria Regent in his absence. The King had already written to the Emperor of Austria, accepting his invitation, in terms so humble and grateful, as clearly shewed, that he considered his interposition as one of personal kindness to himself.

It appears to us very clear, that the Parliament, in granting this permission, were guilty of extreme and almost inexcusable weakness. Nothing could be more manifest, than the extreme reluctance with which, from the beginning, the King had acquiesced in the new system. What benefit, then, could ever be expected from entrusting it to his sole guardianship? Could they dream, that he would exert any strenuous efforts in support of a constitution, which they had seen him abdicate his crown rather than sanction? The sentiments of those to whom he was going, had been expressed in a manner still more unequivocal. What could be expected from the union of these parties, or what motive could there be for separating the King from his subjects, but projects the most inauspicious to the cause of Neapolitan liberty?

The King lost not a moment in availing himself of the imprudent permission which he had thus wrung from the Parliament. On the 13th, after receiving a deputation of that body, he embarked at three o'clock on board the English ship of the line

Le Vengeur, commanded by Captain Maitland. He immediately began his voyage, big with the fate of Naples. After being detained for two days by a calm off Baiæ, a favourable wind enabled him to reach Leghorn on the

19th. From Leghorn he proceeded to Florence, where he arrived on the 28th.

At this critical moment closes the year 1820. Our next Volume will narrate the final catastrophe.

## CHAP. XII.

## THE REST OF EUROPE.

*Organization of the German Diet—Its powers—Wurtemberg—Baden—Hesse Darmstadt—Prussia—The Netherlands—Denmark—Russia—Meeting of the Polish Diet—Turkey—Expedition against Ali Pacha.*

THE Congress, for organizing the Germanic Confederation and the Diet which was to direct its movements, of which the great powers had procured the assemblage at Vienna, after six months of deliberation, produced, on the 17th May, 1820, their final act. To maintain peace in the interior of the Confederation, and to defend it against foreign oppression, are stated as the two main objects in forming it. The first again divides itself into two branches; the maintenance of peace between state and state, and the maintenance of peace in the interior of states.

When differences arise between states which are members of the Confederation, the Diet is first to recommend to them some mode of agreement or of arbitration among themselves. If this fails, it is to appoint a commission to treat between the parties, and endeavour to bring them to a good understanding. Should this also fail, the question is referred to tribunals, formed in bordering neutral states, whose decisions are to be enforced by the Diet.

With regard to the internal concerns of states, it is admitted as a general principle, that the Diet is not

competent to interpose. There were certain grounds of interference, however, to which the great monarchical states eagerly looked, as the means of maintaining their own security. In the case of formal resistance, and, still more, of revolt, the Diet may interpose, either upon formal application from the head of the state, or spontaneously, in case the latter is not in a condition to apply. Should there also exist in the heart of several confederate states, associations or combinations dangerous to the general safety, the Diet is authorised to concert with the heads of these states the means of suppressing such machinations. This article was not without a special regard to the actual circumstances of Germany.

The question relative to the internal constitution of the German states, was treated of with very peculiar interest. Austria declared herself openly against all those changes which included any popular elements, and had used her utmost efforts to obstruct the constitutions of this description, which had been formed in the southern states. On the other hand, the constitutional system, within certain limits, was supported, not only by

many members of the Confederation, but by the powerful influence of the Emperor of Russia. Austria was therefore obliged, in a certain degree, to yield. It was declared, that there ought to be assemblies of States in every country belonging to the Confederation, and that the Diet should take care that this principle was carried into effect. They were not, however, to interfere in regard to the form of government which might be established. Existing constitutions were guaranteed, or at least care was to be taken that they should only be changed in a constitutional manner. It was, however, provided, that in the states ruled by sovereign princes, as were most of those belonging to the Confederation, the whole sovereign power should remain united in the head of the government, a principle which might evidently admit of being pushed rather too far. It was also stipulated, that nothing in the interior constitution of a state should obstruct the monarch in the execution of the duties imposed upon him by the federative union. The liberty of the press also, in the countries where it was allowed, was to be so regulated, as not to interrupt the security of the neighbouring states.

In regard to nations without the pale of the Confederation, the Diet was to have defensive measures only in view. For this purpose, it had power to declare war, to make peace, to contract alliances, and negotiate treaties of every kind. The negotiations were to be entrusted to a committee, which was to name plenipotentiaries for the purpose of carrying them on. When war had been declared by the Diet, no single power could enter into treaty with the enemy. The Confederation were to defend any one of their members which was injured or attacked by an extraneous power; but they were to take

particular care that the member himself had not, by his own blame, involved himself in the quarrel. That the Confederation might duly execute its functions, the fortresses of Mantz, Landau, and Luxemburg, were put into its hands, but Wirtemberg obtained an abandonment of the plan for adding Ulm to this number.

The Congress of Vienna had appointed a commission, to consider the means of removing those obstructions to the free navigation of the Rhine, which arose from the variety of different states through whose territories it passed. The chief obstacle arose from the kingdom of the Netherlands, which commanded all the mouths of the river, and being able to impose what duties it pleased upon goods coming down, before they could reach the ocean, rendered nugatory the taking off those levied in the upper part of its course. The refusal of this power to enter into any engagement upon the subject, furnished a pretence to the King of Prussia to impose additional duties of transit at Cologne, and to decline acceding to the system, unless it could be rendered complete. Thus the whole of this useful project proved finally abortive.

The prohibitory commercial system, for which there was such a rage in Europe, was not, in its pernicious effects, so immediately felt by those countries, whose extent afforded them the means of a great internal trade. But in the small states of Germany, it paralysed almost entirely every branch of national industry. With this view, a commercial Congress, under the auspices of the Diet, had been formed. Bavaria, Wirtemberg, Baden, Hesse, Saxony, and some other states, united for the purpose of arranging free intercourse among themselves, and thus obtaining the advantages, at least, of a great state. The Congress having

met at Darmstadt, drew up an act of union, by which interior customs were abolished, and one uniform system of duties on the frontiers of the Confederations imposed. Prohibitory duties were only adopted, even against foreign states, when these last excluded the productions of the soil and industry of Germany. When this excellent proposal was referred to the Diet, that body, instead of welcoming it according to its merits, declared that the subject was so important and so complicated, that they required an exact knowledge of the obstacles presented by the various interests concerned; and all they did at present was to demand from the different States an enumeration of the various duties levied by them on foreign commodities. By this empty and dilatory measure, the benefits which might have resulted to the German states, from the adoption of so excellent a system, were postponed to an indefinite period.

Considerable attention was attracted during this year by the proceedings of the Constitutional States of Germany. In Bavaria, indeed, no assembly was held, and its history is not distinguished by any events of importance. In Wirtemberg, the States met on the 20th January, and were opened with warm expressions of mutual confidence between the Prince and the people. On the subject of the finances, a species of contest arose. A party in the Second Chamber, or that of the Commons, called for an account of the manner in which the former revenue had been employed. The ministers replied, that as this was not customary under the former arbitrary *regime*, they were not prepared to render it for the past; they solicited merely the vote of the existing taxes for the rest of the present year. After very warm debates, of several days, the vote was carried by a ma-  
 jority of nineteen; but when the ques-  
 tion was carried to the First, or Up-  
 per Chamber, an evasive vote was  
 passed on the subject. Hereupon,  
 sharp discussions arose between the  
 two Chambers, which were only ter-  
 minated by the Commons insisting,  
 that, according to a provision made  
 by the constitution, the votes of the  
 two Chambers should be counted to-  
 gether. The result of this process was  
 the acceptance of the ministers' pro-  
 position. Ministers carried also, by a  
 large majority, the vote of 3300 sol-  
 diers, which some wished to reduce to  
 2300. The States, however, solicited  
 changes in the distribution of the  
 taxes, in their mode of collection, as  
 well as reform and reduction in the  
 appointments of public functionaries.  
 These representations were received  
 by the King in a manner perfectly  
 gracious. The revenue for the prece-  
 ding year had amounted to ten mil-  
 lions of florins, which, however, was  
 half a million short of the expendi-  
 ture.

The Chambers adjourned on the 20th June, and met again on the 2d December, chiefly with the view of fixing the triennial budget. A serious dissension, however, arose, in consequence of that class of nobles, who were called *Mediatists*, refusing to attend, unless certain privileges which they demanded, were granted to them. The consequence was, that the number actually present in the Upper Chamber fell short of that required by law, to entitle them to deliberate. After waiting some time in vain for a fuller attendance, the Commons proceeded to business, in hopes of terrifying the absentees, by shewing them that legislative measures could be carried on without them. The latter, however, stood firm; and the King, unwilling to see the matter pushed to extremities, prorogued the

States on the 19th till the 22d of January, in hopes, before that time, of arranging the difference amicably.

The States of Baden also met on the 25th June. The formerly prevailing agitation inspired an apprehension that its debates might be stormy. In fact, on the very threshold, a serious question arose. Several of the deputies, who had taken the most active part against the government in the former session, were not present; a circumstance which was soon understood to be caused by the want of letters of convocation from the King, which they had in vain solicited. It was evident, that representation would soon be a mere form, if such a practice were admitted. The ministers urged, that these members had public functions to fulfil, which would suffer by their absence. Finding, however, that the sentiments of the assembly were loudly declared against the measure, they endeavoured to temporize, by proposing, that, whenever the choice of the electors should fall upon a public functionary, a supplementary member should be elected, whom the government might have it in their choice to call to the Chamber. As this proposition, however, was also exceedingly ill received, ministers at length gave up the measure entirely, and announced, that the absent members would receive their letters of convocation. After this, the session passed in the most harmonious manner, and a number of useful laws were enacted.

The duchy of Baden was this year the theatre of the execution of Sand, the assassin of Kotzebue. It took place on the 20th May, in consequence of the sentence of the tribunal of Mannheim, and in the neighbourhood of that city. This extraordinary fanatic continued to gild his crime by the display of a species of heroism. His whole behaviour exhibited the

triumphant resignation of a martyr, and he declared, with his last breath, that he died for his country. A crowd of students being expected from Heidelberg, the execution was made to take place earlier than the hour appointed. When the students arrived, the head was already severed from the body, but many of them eagerly dipped their handkerchiefs in the blood.

The territory of Hesse Darmstadt was the theatre of more striking events, this year being marked by the first establishment of a constitutional *regime*. The call for it had been loud, and had been accompanied even with tendencies to disorder, which the Grand Duke studied to repress by those severe measures which were so strongly supported by the great powers. At length, however, he determined to redeem the pledge which he had given with peculiar solemnity. On the 24th March, 1820, an edict was published, containing the scheme of the new constitution. The Chambers were indeed composed on a basis nearly similar to that which had been adopted in Bavaria and Baden: but many modifications were introduced, not at all calculated to satisfy the friends of constitutional freedom. If the states should reject the budget, the King was still allowed to levy the taxes during a year, and could call a new assembly, which might be more compliant. A project presented by the King was to have the force of law, provided any one of the two Chambers approved it. The right of petition was restricted within the narrowest limits; while no provision was made for individual liberty, the freedom of the press, or religious toleration.

There soon appeared throughout the principality a fixed determination to resist the acceptance of such a constitution. Several districts refused to exercise the functions of election at

all, while others gave strict injunctions to their representatives on no account to make oath to the constitution presented by the Grand Duke.

Forty-four deputies having met at Darmstadt, were unanimously of opinion, that they could not give an unqualified assent to the constitutional act. Some thought that a conditional oath might be taken, under promise of modifications to be afterwards made in the constitution. A great majority, however, concluded upon presenting a remonstrance to the government, stating, that they were firmly determined not to consider themselves as representatives of the people, nor to sit as such, till the requisite modifications were made. This remonstrance being presented on the 17th June, was met on the 19th by an order of the cabinet, in which it was declared illegal and unconstitutional, and those who signed it were not to be considered as members of the States till they had taken the oath required. As soon, however, as that was done, the modifications, of which the constitution might appear to be susceptible, would be submitted to the States. This order induced four deputies to retract, but there still remained 27, who declared, that they considered themselves bound by circumstances to return their powers into the hands of their constituents, and the greater part of them immediately left the capital. In this dilemma, the government anxiously negotiated the means of collecting a sufficient number of deputies, to make a decent opening of the Assembly. They gained over some by lavish promises of future modifications; yet they could not, at the opening on the 27th June, assemble more than 32 out of the 50, which did not form the two-thirds required by the constitutional act. The Assembly, however, under the influence of the court, began its proceedings; and one

of its first acts was to order the election of new deputies, in the room of those who had proved refractory. This measure did not succeed; some refused to re-elect, while others named over again the obnoxious members. The court at length became sensible that only a conciliatory system could extricate it from its present embarrassment. The responsibility of the ministers, the publicity of the sittings, the equality of the citizens in the eye of the law; these boons slowly succeeded each other, and afforded a promise of more; but partial concessions, thus hardly wrung out, never stilled the agitation of the public, but rather made them feel more intensely what they still wanted. At length, the Grand Duke formed the frank and decided resolution of yielding at once all the points in question. On the 14th October, he caused it to be officially declared, that he left in the hands of the States the unlimited right of voting taxes, and trusted entirely to their loyal dispositions. This was immediately followed by a still more important concession. They were invited to form the project of a constitution, in which every necessary security should be given to the rights of the people, and in relation to which the edict of March should be considered only as a provisional measure. This declaration was received with cries of *Vivat*, three times repeated, and put an end to all the discords which agitated the Chambers and the nation.

After this happy agreement, all the further proceedings of the Chambers were carried on in the most harmonious manner. After long deliberations between the ministers, the council, at whose meetings two of the Princes were present, and a committee of the States, a constitution was agreed upon, including all the bases of solid and rational liberty. Its pub-

lication was celebrated throughout the state with great rejoicings, which were only troubled by apprehensions that it would be resisted by the great powers, now more openly declared than ever against new and liberal institutions. It does not appear, however, that any interference was made of the nature apprehended, so that the session closed under the most favourable auspices. The receipts and expenses were both stated as amounting to within a trifle of six millions of florins, while the public debt amounted to thirteen millions. The civil list was fixed at 800,000 florins.

*Prussia* laboured during this year under severe financial embarrassments. According to a rescript of the 17th January, her general expenditure was fixed at 50,860,000 crowns (about 7,780,000*l.*) The debt was stated at 180,000,000 crowns, and it was necessary, during the present year, to raise a loan of thirty millions, in order to withdraw the paper money from circulation. Notwithstanding the reduction of the army from 250,000 to 160,000, and other diminutions, the national income did not cover its expenditure. To relieve these difficulties, an edict was published, imposing a capitation tax upon all above fourteen, who were not paupers, and a tax upon cattle; two imposts, than which few could have been less judicious or happy. In all these arrangements, the government uniformly referred to the assembly of the States, as the period when a definitive plan would be adopted; but no steps were ever taken, tending towards this long promised assemblage. On the contrary, the most rigorous measures were adopted to repress the movements of the popular party; the free-mason lodges were shut, and no effort spared for the suppression of secret societies; even the custom adopted by the popular associations,

of wearing the old German dress, was strictly prohibited. Professor Juhn, regarded as the head of modern innovators, though no proof of guilt could be established against him; was still kept under confinement; and the universities continued always to be objects of the most jealous and watchful observation.

In the kingdom of the Netherlands, the attention of the public and of the States was chiefly occupied by the state of the finances. After many discussions, the crown prevailed, that the decennial budget should be fixed at 59,875,000 florins, and the annual budget at 21,314,000 making a total of 81,189,000 florins (about 6,765,700*l.*) The revenues, however, fell short of this by three millions and a half of florins, which it was agreed, on the proposal of the ministry, should be supplied by the temporary expedient of issuing treasury bills.

The session closed on the 13th June, but met again on the 19th October at Brussels. The budget formed again the chief subject of discussion. It appeared that in the two last years there had arisen a deficit of nearly eight millions, which it was proposed to cover by an addition of active debt to that amount. This and the whole financial system were strenuously criticised by the popular leaders, particularly the Count Hoghendorp. They insisted that eighty-one millions of florins formed an amount of taxes which the nation was utterly unable to bear; that the system of a decennial budget enabled many of the most important branches to escape all examination; and that to make an addition in time of peace to the national debt, already intolerable, was a measure deeply to be deprecated. Notwithstanding this opposition, the budget and the measures founded on it, were carried by considerable majorities.



Great complaints were made throughout the country, of the stagnation of those manufactures, for which the Flemings had long been famous. The administration seem to have thought of no remedy beside the vulgar and inefficient one of excluding foreign products, and calling upon all functionaries and patriotic persons to wear only the manufactures of their country. A more really useful measure consisted in an exhibition of the products of national industry; which took place at Ghent, and was continued through the whole month of August.

Denmark this year shewed symptoms of being roused by the invigorating spirit of the age out of that tranquil apathy, with which she slumbered in the arms of a mild despotism. The lead, as everywhere on the continent, was taken by the students, at the head of whom was a young protestant minister, called Dampc. Having been excluded from the pulpit by the Bishop of Zealand, on account of some doctrines deemed heretical, he applied himself to operate a political and religious reform. He gave lectures, attended by crowds of students and artizans, in which he commented on the events taking place in Europe, and the political aspect of its different states. The government, alarmed by the boldness of his ideas, and the vast multitudes by which he was attended, caused him to be arrested, with several of his most zealous adherents. Among his papers were found plans for operating a revolution similar to that which had taken place in Spain, and forcing the King to sign a constitution. He and one of his followers, a smith by trade, were condemned to death; but the punishment was commuted to imprisonment for life in the fortress of Christiansoc.

Russia also presented a singular phenomenon—a mutiny, which the

alarm of the moment magnified into a popular insurrection. It broke out among a regiment of the guards, to which the emperor was much attached, and one distinguished, both for its valour and high discipline. It originated entirely in the conduct of Schwartz, its colonel, who, by a long train of unnecessary rigour, and severe punishments for trifling offences, had generated violent discontents. These came to a crisis, when he ordered them out for a grand parade on a Sunday morning. Upon this mandate, which at once shocked their religious feelings, and took away all hope of repose, the soldiers met, and sent a deputation to the colonel, declaring their resolution not to obey. Not finding him at home, they broke his windows. The whole regiment was now in open insurrection, and the consequences might have been serious, but for the courage and presence of mind of General Miloradovitch, governor of Petersburg. He presented himself to the troops, and asked if they would obey him. They replied that they would, but not their colonel. He then ordered them to ground their arms, and proceed to the fortress. They obeyed, were declared prisoners, and part of them marched into Finland. The Emperor, then absent at Troppau, on being acquainted with the circumstance, ordered the regiment to be broken up, the troops distributed through other corps, and the ringleaders to be punished, at the same time directing Schwartz to be tried for the conduct which had led to the mutiny.

An imperial ukase was published this year, by which all jesuits were expelled from the empire. The principal charge on which this measure was founded, was the extraordinary zeal shown by them in making converts from the established religion, especially of the young persons placed

under their care. They were also charged with making an ill use of the funds entrusted to them. Every indulgence was shewn, consistent with the strict execution of the decree, and the government even provided for the expense of their removal. The number which left the empire was about 750. Government had certainly a full right to withdraw its countenance and favour from the body; but the banishment of a mass of men, upon a mere general opinion, without any charges brought home against individuals, seems scarcely compatible with the spirit of modern legislation.

The Russian government completed this year the salutary measure of the enfranchisement of the Livonian serfs.

The most remarkable event in the Russian empire was the sitting of the Polish Diet, which was opened on the 13th September by Alexander in person. He had been received by the people of Warsaw with enthusiastic rejoicings; but his opening address evidently shewed that he apprehended in the Diet a somewhat different temper. He reprobated, in the strongest terms, the spirit of innovation which had gone abroad, and particularly the mode of forming new constitutions, which had been adopted by the states in the south of Europe. He represented the benefits which Poland derived from her union with Russia, and declared that he could admit no compromise with his principles, by which it evidently appeared was meant his determination to retain Poland as a part of his dominions. The minister of the interior gave a flattering picture of the state of the kingdom, the population of which now amounted to near three millions and a half. There had been a visible improvement in its agriculture and other branches of industry; and it now produced cloths, with which the whole

Polish army was clothed. The main object of the session, however, was to receive the project of the criminal code, by which the kingdom was henceforth to be governed. The appearance of this code confirmed all the prepossessions which had already been cherished against it. We have not been able to obtain so precise a statement of its tenor as we could have wished; but it appears to have rejected the principle of trial by jury, and made no sufficient provision against arbitrary imprisonment, while the absence of any penal laws against the abuses of the press, only reminded the assembly of the strict censorship, which rendered it impossible that any such should be committed. The voice of the Diet, on the whole, was strongly against the project. The committee to which it was referred, reported their opinion, that it ought to be rejected; the debates were warm, and sometimes even tumultuous. On one occasion, the clamour rose to such a height, that the marshal, lowering his baton, abruptly dissolved the meeting. After a week of this stormy discussion, the proposed law was rejected by the almost unanimous vote of 120 against 3.

This remarkable vote may be considered honourable both to the Diet and to Alexander. On one side, it shewed no small degree of courage, to hold so independent a course in the face of the most powerful and absolute monarch in Europe. On Alexander's part, it also proved that the freedom which he had bestowed was not illusory; that no control had been exercised over the elections; and that no vindictive measures were apprehended from the displeasure which he could not but feel at so unceremonious a rejection of his favourite proposal. If, however, the decision conduced to the honour of the Emperor, it does not appear to have

contributed to his satisfaction. In his closing address, displeasure was intimated in no equivocal or very gentle terms. "Ask your conscience," said he, "and it will tell you, if, in your discussions, you have rendered to Poland all the services which she expected from your wisdom; or if, led away by seductions too common in our days, and sacrificing hopes which would have been realized by judicious confidence, you have not retarded in its progress the work of your country's restoration." He farther reminded them,—"You have received good for evil; and Poland has resumed its place among states." He added, however,—"I shall persevere in my designs with regard to your country, whatever my opinion may be of the manner in which you have exercised your prerogatives."

The affairs of the Ottoman empire were not, during this year, devoid of interest. That power, by a long unwarlike good fortune, found itself, at the commencement of the era, freed at once from foreign war and domestic rebellion. This opportunity it was determined to employ against one who had long been considered rather as an enemy than a subject. Ali Pacha, a native of Albania, born in a humble or rather miserable condition, had, by a rude vigour of character, suited to the natives of that wild and ill-subdued province, obtained such an ascendancy over them as induced the Porte, in a moment of weakness, to invest him with the Pachalic of Yanina. From that moment, his conduct varied little from that of an independent sovereign, paying, indeed, a small tribute to the Porte, and assisting her with his brave infantry in her wars on the Danube, but admitting no interference in the interior of his government. Not content with this, he employed every means of open war,

treachery, cruelty, and assassination, to extend his sway over the neighbouring Pachalics. He thus became master, not only of the whole of Albania, but of Suli, the ancient Epirus, and of Livadia or Thessaly. His dominion reached from the Adriatic to the frontier of Macedonia, and comprised a population of nearly two millions of souls. Considerable, however, as this was, it could ill enable him to contend with the whole force of the Turkish empire, now united against him. Essëid-Ali, newly raised to the rank of Vizier, sought to distinguish the opening of his administration by this successful expedition. The first step was to bestow the Pachalics of Tricala, Durazzo, and Lepanto, on officers independent of, and hostile to, Ali, one of them being son to the Captain Pacha, who had been assassinated by his orders. It was very clearly foreseen, that Ali would not tamely suffer himself to be thus hemmed in by his mortal enemies; and the new Pachas took their appointments on the full understanding that they were to make them good by force of arms. An army of 20,000 men was placed under the command of Pehlivan Pacha, appointed to Thessaly; while the Captain Pacha was sent round with a strong squadron to attack the ports on the Ionian sea.

Notwithstanding the magnitude of the force now moving against him, Ali, possessed of a strong country, and of the only good infantry in the empire, might have made a most vigorous defence, had he been master of the hearts of his subjects. But to the Greeks he had rendered himself utterly odious by atrocity and oppression; and though there were some rude ties between him and the predatory hordes of Albania, they were the last men to be trusted in the hour of adversity. On the for-

mer, Ali lavished promises and courtesy; but these, wrung from him in such desperate need, could not outweigh the contrary experience of his whole life. His invitations to a general rising in support of Grecian independence, though they were not long of germinating, produced no immediate effect. Thus Ali, when the sun of his fortune began to set, looked round in vain for any quarter in which he could find friendship or support.

Pehlivan Pacha, in marching through Rumelia and Thessaly, gained continually fresh accessions to his force. The defiles of Larissa were maintained for some time by Omeo, the lieutenant of Ali; but at length these were forced, and Pehlivan marched first upon Tricala, and then upon Lepanto, both which surrendered without resistance. He then directed his march towards Suli and Yanina. Meantime, the Captain Pacha, with the naval expedition, had invested Prevesa, which was defended by Veli, one of the sons of Ali. Veli, terrified by a mutiny of the garrison, threw himself and his treasures into the hands of the Ottoman captain; and being conveyed to Constantinople, was merely sentenced to banishment into Asia-Minor. A nephew of Ali, who commanded at Suli, surrendered after two days' resistance; while Mouktar, his eldest son, who held Berat, attacked by the inhabitants as well as the enemy, took refuge; with a small force, in the citadel. Thus Ali's dominion was reduced to Yanina and its vicinity, upon which the Turkish general was rapidly advancing. Six

leagues from the town, he tried the fortune of battle; but being defeated, he was obliged to abandon the town, and take refuge in the castle, with his treasures, his cannon, and about eight hundred followers, who still adhered to him in this last extremity.

Nothing, it appeared, could now be more desperate than the situation of the late ruler of Albania. The daring energy of his character alone supported him. He strengthened himself diligently in this last hold. By large gifts and promises, he kept his remaining troops together; and the Turks, who expected to have been masters of the citadel in eight days, found the siege dragging on to an indefinite period. In the course of it, Pehlivan Pacha died, of poison it was suspected, administered by a rival; and though he was succeeded by Chourschid Pacha, who afterwards proved himself to be an able general, the circumstance spread a general discouragement through the army. A Turkish force, composed chiefly of tumultuary militia, soon melts away, when it is not fed by success and plunder. In the beginning of December, Chourschid found his army so reduced by desertion, and so destitute of supplies and provisions, that he was obliged to retreat to Arta. Ali again came forth; and having drawn to his standard 6000 or 7000 Albanians, ever ready to join the prosperous party, he could again cherish the hope of retrieving his fortunes. How far this was realized, must appear in the course of our succeeding volume.

## CHAPTER XIII.

## AMERICA.

*Effects of the Spanish Revolution—Warfare in Venezuela—Armistice with Morillo—Chili—Lord Cochrane and San Martin's Expedition against Lima—Revolution at Guayaquil—Buenos Ayres—Its various Revolutions—The United States—Union of the Missouri State—Finances—St Domingo—Death of Christophe.*

THE contest in South America was now fast drawing to that close which might have been from the first anticipated, by those who considered the circumstances under which it was carried on. Regions of such vast extent, and so difficult to traverse, could never be held under the dominion of a power so distant as Spain, when that dominion had once been thoroughly shaken. The state of distraction and debility in which Spain had been so long involved, rendered her happily unable to send large armaments, which might have covered America with blood, though they could not have accomplished her subjugation. The establishment of a free government in Spain, which she was ready in a certain shape to communicate to the colonies, was expected to open a wide door of conciliation. But matters had now gone too far; enmities had become too rooted; the desire of thorough independence was too deeply seated, and too openly declared. Besides, reluctant experience compels us to own that free governments are of all others the most domineering and tyrannical towards

states subjected to their sway. The Americans conceived that the equality held out by the Cortes of Cadiz had been in a great degree vain and illusory, and had presented nothing to make them relinquish that more perfect freedom, which they already held in their grasp.

Bolívar, master of New Granada, and having seen the organization of the Columbian republic, conceived that he had only to reduce the cities on the coast, Caraccas, St Martha, and Cartagena, to complete its liberation. He determined to begin with the first city. Having concentrated all his forces, he set out from St Fernando, on the Apure, and had reached Calabozo, when intelligence arrived which obliged him to suspend this enterprize. The royalist generals, Calzada and La Torre, finding New Granada left bare of troops, had overran a great part of the country, and even retaken Santa Fé. On the western side, Colonel Arana was overrunning Cumana. He had taken St Barbara, putting to the sword the garrison, which consisted in a great measure of English troops, and he

even threatened Angostura, the seat of the Columbian Congress. Bolivar, considering New Granada as the most urgent quarter, hastened back thither, and soon obliged the royalist corps to retire before him. He now determined to push down upon Santa Martha and Carthagena, and to press the siege of these places, which he entrusted to his Lieutenant Urdaneta. He expected to be assisted by a corps of about 900 Irish troops, which, under General Devereux, had captured the island of Margarita, and were coming round by sea to the same points. This expedition accordingly landed at La Hacha, which was evacuated at their approach. Here, however, the Irish, who had hitherto met with nothing but hardship and hard-fighting, mutinied, and refused to proceed further, until they received their pay. As the Spanish commander could give nothing but promises, they plundered the city; and though they afterwards promised to proceed against Santa Martha by sea, their whole conduct was so disorderly, that the Spaniards rather chose to throw them on shore at Jamaica, leaving them to reach home in that miserable plight, which their circumstances admitted. The other English corps in the Columbian service, though they too had received no pay, and little clothing, but abundance of wounds and hardships, remained faithful, and testified their indignation at this conduct of their countrymen.

At this moment Morillo, at Caracas, received the tidings of the revolution in Spain, with instructions to make the most ample conciliatory offers to the independent government. He immediately dispatched an embassy to the Congress at Angostura, with a letter couched in the most courteous terms, and in which he even addressed them by the title of "Serene Highnesses." He offered the con-

firmation of the existing authorities, and even the continuation of the independent chiefs for an indefinite time, in the commands which they now held. This first courtesy from one who had waged so bloody and exterminating a warfare, was well received, and the deputies were treated with every attention. After two or three days' deliberation, however, the reply was given, that the Congress desired the re-establishment of peace, and would listen with pleasure to the propositions which might be made by the Spanish government, provided these had for their basis a recognition of the sovereignty and independence of Columbia. As this declaration amounted to an entire rejection of the Spanish proposals, it was immediately followed by a manifesto, addressed to the nation, in which all the wrongs suffered from Spain were enumerated; the cruelties of Morillo and the other generals; and above all, the imperfect representation granted by the Cortes of Cadiz. It concluded, that nothing short of entire independence could satisfy three millions of men, who had made so many sacrifices in order to attain it.

After this failure, the war recommenced with greater fury than before. The independent generals, however, were baffled, with some loss, in their attempts to reduce Santa Martha and Carthagena. Having then, however, directed their efforts against Caracas, they met with important successes. General La Torre was completely defeated, and obliged to fall back upon the capital. A corps under Morales was routed near Calabozo, and the advanced guards of the Columbian army were pushed to within twenty leagues of Caracas. Meantime propositions had been made for an armistice, and a Congress for negotiating it had been opened at St Fernando on the Apure. Bolivar at

first insisted upon the cession of Maracaybo, Santa Martha, and Rio de la Hacha, as the price of the armistice; but having sustained a check at Tocuyo, he finally agreed to one upon the basis of each army retaining its actual positions. Morillo then, sick apparently of this unfortunate war, set out for the mother country, leaving the army under the command of General La Torre.

This transaction was of important benefit to the cause of independence. It gave to the government of Columbia a stable and recognized character, as well as an opinion of strength, which gained over to it the wavering party, particularly among the Creoles. At the same time, it afforded to Bolivar the opportunity of repairing his losses, of re-organizing his troops, and commencing the next campaign with every assurance of success.

In the great states of Mexico and Peru, which still adhered to Spain, the tidings of the revolution, though reluctantly announced by those immediately in power, were joyfully hailed by the body of the people. Probably, however, the agitation which they excited, and the triumph which they gave to the popular interest, tended still farther to loosen the ties by which these colonies were united to the mother country, and to hasten the period when they were to be finally broken.

The only quarter from which Peru had any thing immediately to apprehend, was Chili. This country, now entirely fixed in the cause of independence, not only possessed the strength of its own hardy population, but was aided by the naval talents of Lord Cochrane, and by a body of English seamen, whom his fame and influence had attracted. The first enterprize of the year was, the capture of Valdivia, the only fortress of Chili which yet remained in the hands

of the Spaniards. It was effected by Lord Cochrane in the most daring manner. He landed at night with two small vessels, having 320 men on board, and carried by storm one of the fifteen small forts by which it was defended. The governor, struck with dismay, though he had a garrison superior in number to the assailants, evacuated the place next morning, leaving behind all its supplies and ammunition.

The combined forces were now ready to carry into effect their projected expedition against Lima. Lord Cochrane had collected eight ships of war, of different sizes, carrying 236 pieces of cannon, and 1538 men, with 14 transports; while San Martin, the Chilese general, was at the head of an army of about 4000 men. On the 26th August, the army completed its embarkation at Coquimbo, and on the 8th September arrived at Pisco, where they were within 150 miles of Lima. The governor of Pisco evacuated the place on their approach.

By the time that intelligence of this disembarkation had arrived at Lima, the government had received instructions from the new government of Spain. In pursuance of these, the Viceroy Pezuela sent a deputy to propose an armistice for the adjustment of the differences with the mother country. The armistice was agreed to on the 25th September; but the conferences had scarcely opened when it appeared, that the views of the two parties were utterly irreconcilable. The expeditionary general soon declared his resolution to accept of nothing short of entire independence. On the 14th of October the armistice was declared at an end, and the war was renewed.

The independent party derived very considerable hopes from the defection of Guayaquil, a large sea port, si-

tuated at the most northern extremity of Peru. At midnight, after a ball, in which all the principal inhabitants had been assembled, the conspirators hastened to the quarters of the principal civil and military officers, and put them under arrest. Next day independence was proclaimed, and a new government appointed. The governor Viverro, with his principal officers, were conveyed by a squadron to San Martin, at Pisco.

Notwithstanding this defection, the governor of Peru did not lose courage. No revolutionary tendency manifested itself at Lima; and he had under his command 10,000 or 12,000 men, well armed and disciplined. The independents, accordingly, were unable, during the rest of this year, to make any impression upon Lima. The only event of any consequence, was the capture, by Lord Cochrane, of the *Esmeralda*, of 40 guns, after an obstinate combat under the batteries of Callao.

Buenos Ayres, during the whole of this period, was plunged in a chaos of revolutions, of which we need only give a hasty sketch. Two factions chiefly divided this unfortunate country. One wished a constitutional monarchy, at the head of which they would have placed an Infant of Portugal; or, according to the idea of some, even one of the French Bourbons. This party was favoured by the principal inhabitants of Buenos Ayres, who expected, that under this plan, their city would continue to be the seat of government. Puyrerredon, who, under the title of Supreme Director, held sway over the city and neighbourhood, was understood to support this party, and was thus closely allied with Portugal. The other plan was that of a federative republic, composed of the nine provinces, into which the vice-royalty of La Plata was divided; according to which

scheme, the central Congress was to meet at Tucuman. This party, though it formed a minority at Buenos Ayres, was a favourite in the provinces, where it was supported by a powerful body of troops, under the command of Artigas. On the 1st February, an engagement took place at Cepeda, between this army and that of Buenos Ayres, under General Rondeau, in which the latter was totally routed. The federal army immediately marched upon Buenos Ayres, which it entered without resistance, Puyrerredon seeking refuge at Monte Video. Sarratea, a decided federal, was appointed governor, and a treaty was drawn up, by which the whole vice-royalty was formed into a confederation. The federals, however, in consequence of a violent system of proscription against their enemies, and of the war which they were preparing against Portugal, became highly unpopular. Their army, therefore, having retired, Don Carlos Alvear, who had been governor in 1815, introduced himself into the place, and uniting his own friends with those of Puyrerredon, drove out Sarratea, and procured the nomination of Balcarce as governor and captain-general. Sarratea, however, having repaired to the federal headquarters, that army immediately put itself in motion, re-entered Buenos Ayres without opposition, and replaced affairs in their former state. Sarratea, however, was so unpopular, that in the course of six weeks he was obliged to yield the command to General Soler. Alvear, meantime, collected a body of troops, with which he totally defeated Soler, and advanced to Buenos Ayres, but was there repulsed; and being soon after attacked at St Nicholas, his army was totally defeated and dispersed. Hereupon appeared a new character, Don Martin Rodriguez, who, having been a conspicuous instrument in gaining



this victory, was saluted governor and captain-general. He was soon after, however, suspected as an adherent of Puyrerredon, and obliged to quit the city; but collecting fresh forces, he attacked and carried the place by storm on the 25th of October. During the rest of the year he remained in it as a species of military dictator. Meantime a civil war broke out between Artigas and Ramirez, the two chiefs of the federal army.

In the midst of these convulsions, the intelligence of the Spanish revolution, and the consequent overtures, were communicated at Buenos Ayres. It might have been supposed, that any thing would be welcome which could bring repose amid such calamitous agitations. Such, probably, was the feeling among many of the people; but the chiefs who each hoped, amid this wild confusion, to reach the summit of power, hastily rejected every proposal. A recognition of the independence of the republic being demanded as the basis of any treaty, the deputies were obliged to return.

The revolution did not yet extend its influence to *Brazil*. Only a slight effervescence was observed among the troops. No serious movement took place, unless in the northern province of Pernambuco, where there was an insurrection, which seems, however, to have been chiefly excited by discontent at the conduct of the local authorities. The governor, Don Louis O'Rego, collected a few battalions,—beat the insurgents at Bonito, and suppressed the insurrection. A number of prisoners were taken, on whom punishment was inflicted with great severity.

The course of public affairs in the United States, was this year remarkable for smooth and tranquil. That fierce passion of parties, which had agitated the republic, during the continu-

ance of war in Europe, seemed to have entirely subsided. Even the election of a President, which fell to be made in the course of the year, did not give occasion to any eager conflict. Mr Monroe was re-elected for four years by a great majority.

The chief question which occupied the attention of Congress, regarded the admission into the Union of the Missouri State, which, in the rapid western progress of civilization, had been established in the deep interior of North America, beyond the Mississippi. The only question which excited any doubt was, whether negro slavery should be permitted to subsist in this new State. Its prohibition, entered as a clause into the bill on the subject, was introduced into the House of Representatives. The Senate, however, were averse to it, and desirous still to gratify the Missourians in their wish to retain for their country the benefits of negro bondage. With this view, they changed the above clause into one, by which slavery was abolished in Louisiana, and in all the territory to the 36th degree of the latitude. The amended act being then carried down to the Representatives, at a time when many of the members were absent, it was not perceived, that, the Missouri being beyond the prescribed line, the new clause entirely negated that which they had introduced. The bill was therefore passed, granting to the new State all the privileges of which it was ambitious. The provincial legislature was even deprived of the power of emancipating any slaves, without the consent of their masters, and without paying them the value; also of preventing slaves from being introduced from other parts of the Union, unless it were as an object of speculation. In other respects, the constitution of the Missouri did not differ from that of the older States.

The condition of the finances occupied a considerable part of the attention of Congress. According to a report published in April 1820, the ways and means amounted in 1819 to 24,812,419 dollars, (about 5,582,000*l.*) while the expenditure had been only 24,044,568; so that there remained in the treasury 767,851. The present year made a less favourable promise. The falling off in the receipts was such, that a deficit might be expected of nearly four millions of dollars. The financial men of the United States directed their attention to find out the cause of this diminution, but, as seems to us, with very little success. They found it in the scarcity of specie occasioned by a supposed unfavourable balance of trade. The custom-house books, it seems, somehow exhibited, during the four last years, a value of imports equal to 391 millions of dollars, while the exports amounted only to 290 millions. Hence it was sagely inferred, that the difference of 101 millions (upwards of 22,000,000*l.* sterling) must have been paid in hard cash, so that it appeared miraculous that there should be a dollar remaining within the circuit of the Union. To vanquish this chimera of an unfavourable balance, several statesmen did not hesitate to propose, that the imports should be limited to 50 millions—never reflecting that the exports must be reduced equally, unless the American merchants chose to make a present of their goods to foreign states, which would not be a very effective mode of increasing their wealth. Happily the Senate declined entering into this suicidal project, and contented themselves with passing some minor restrictive regulations, and particularly with doubling the duty on French shipping, now raised to 18 dollars a-ton. Even this, upon the representation of the

French government, was afterwards mitigated.

Considerable irritation was excited in America, by the long delay of the Spanish court in ratifying the treaty for the cession of the Floridas. A resolution had even been formed, to take possession of them by force of arms, and an expedition prepared for that purpose. The interposition of Russia and France arrested this step, and the desired ratification was at length obtained from Spain, on the 24th October.

The Session of Congress closed on the 15th May, and a new one opened on the 14th November, the proceedings of which we shall present in one view in our next volume.

St Domingo was this year the theatre of a revolution not unworthy of notice. This island, after having exhibited the wildest excesses of revolutionary frenzy, now presented a spectacle new in the annals of mankind—a negro community, organized on the model of civilized and European states. After the death of Dessalines, it was split into two members, one of which, under the presidency of Pethion, established at Port-au-Prince, preserved the form of a republic; another, at Cape Francois, was subject to Christophe, who assumed the title of Emperor, filled his court with dukes, counts, and orders, after the model of Napoleon, and exercised a sway entirely despotic. He used great exertions to introduce European arts and improvements; formed schools upon the Lancasterian system, and substituted the English language for the French. Yet his sway was tyrannical. He had appropriated to himself nearly all the lands of the state, and drew from them a very large revenue, which he employed chiefly in accumulation. The fear of rebellion prompted him to continual acts of

jealousy and cruelty. He was therefore hated by his subjects, who looked with envy on the model of a free government established at Port-au-Prince. Pethion, however, of a tranquil and gentle temper, had not shewn any disposition to take advantage of this unpopularity of his neighbour. After his death, however, and the elevation of Boyer to the presidency, proofs of a different temper began soon to appear. Boyer commenced his career by reducing a sort of independent chief, who had established himself, under Christophe's protection, in a territory called the *Grande Anse*. This mark of a stirring disposition soon produced striking effects. Christophe's frontier garrison of St Mark mutinied, cut off the head of their governor, and sent it in a bag to Boyer, communicating, at the same time, the unanimous wish of the troops and people to pass under the sway of the republic.

When this news reached Christophe, palsy had deprived him of the power of loco-motion, but had not impaired the energies of his mind. He immediately dispatched General Romain, whom he had created Duke of Limbé, with a body of troops, to suppress the insurrection. He little suspected that this officer was more inclined to promote it. In fact, by this time, Cape Town had caught the contagion. On the evening of the 6th October, Richard, another general, sure of the disposition of his troops, caused the drum to be beat, and having assembled them, proclaimed in the streets the abolition of royalty. The people, once assured that there was here no deception, eagerly joined the movement of the troops and armed inhabitants; they took up a strong position, called High Cape, in front of the city. As soon as this fatal intelligence reached Christophe,

he sent orders to Richard, whom he still supposed faithful, to take the most rigorous measures against the malcontents. When the news was brought, that Richard was author of the insurrection, he still did not give himself up to despair. He called to him Noel, commander of the guard, in whom he placed peculiar confidence, and ordered him to collect all the troops which still remained faithful. Noel drew together fifteen hundred, and Christophe made himself be carried through the ranks, lavishing on them exhortations and encouragements, promising, in case of success, a gratuity of twelve dollars a-piece, and the plunder of Cape Town. Noel instantly led this chosen band against the enemy, hoping that their high discipline and valour might compensate the inferiority of numbers. Scarcely, however, had a shot been fired, when he had the mortification of seeing them pass over to the opposite side, and join in proclaiming the deposition of Christophe. When the tyrant learned an event which deprived him of all hope, he drew out a pistol, and shot himself through the head.

This issue was celebrated in Cape Town with great rejoicings. Cape Henri, to which Christophe's wife and children had fled, was taken without resistance; but the triumph was stained by the assassination of his eldest son, and of Noel the general. Few other enormities were committed during the period of anarchy which followed. Proposals were made to proclaim a separate republic, and to place at its head General Romain, who had already assumed the title of general-in-chief. But Boyer, who had already put his army in motion upon St Marc, now pushed on to the Cape by rapid marches. He was everywhere welcomed and joined;

and on the 22d October made his triumphal entry into Cape Town, at the head of 22,000 men. Romain deemed it expedient to submit, on being allowed to retain his honours and dignities; and the union of the two states into the *Haitian Republic* was solemnly proclaimed. Boyer seems to have acted on this occasion a very moderate and judicious part.

He took under his special protection the widow and the remaining children of Christophe. He distributed among the army and people the sum of ten millions sterling, which was found in the treasury. In short, he seems to have used every method to conciliate the nation, and obliterate the memory of former animosities.

## PART II.

### LITERARY AND MISCELLANEOUS.

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(THE subjects treated of in this Part—Biography of Eminent Persons deceased—Improvements in Science—Progress of Discovery—Ergative Poetry—all for 1820, are, for reasons stated in the Preface, postponed till our next Volume.)

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## APPENDIX.

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## A P P E N D I X.

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### NO. I.—EVIDENCE ON THE BILL OF PAINS AND PENALTIES AGAINST THE QUEEN.

#### I.—EVIDENCE FOR THE PROSECUTION

[In order to exhibit as complete a view as our limits admit of this celebrated proceeding, we shall give the questions and answers at full length on all important occasions, connecting these by an abstract of the subordinate parts of the evidence.]

HOUSE OF LORDS, *Aug. 21,—Sept 7, 1820*

THEODORE MAJOCCHI,  
[Is a native of Spoleto in Italy, about twelve miles from Iodi. He knew Bartolomeo Bergami first in the service of General Pino, to whom he was *valet-de-chambre*. He was then rather poor than rich, with three livres of Milan a-day. He afterwards met him at Naples, when he was courier to the Princess, dining at the table of the upper servants. About a fortnight after, Majocchi was engaged in the Princess's service.]

Do you know what was the situation of the sleeping rooms of the Princess and of Bergami at that time?—Yes; I recollect it well.

Describe it.—The rooms of the Princess and of Bergami led to each other by a corridor, in which there was a small cabinet; Bergami's bed-room was situated to the left.

Are we to understand that there was no space between the two rooms, except

what was taken up by the corridor and the cabinet that you mention?—There was nothing else; and it was necessary to pass through the corridor to go from one room to another.

What was there on the other side of Bergami's bed-room?—A saloon.

Who usually slept in the cabinet?—Nobody; it was free.

Did the rest of the family sleep in that part of the house, or at a distance?—Their rooms were separated.

[Bergami met with an accident in consequence of which the witness was made to sleep on a sofa in the cabinet.]

Did any one pass through the cabinet while the witness slept there?—Yes.

Who was that person?—Her Royal Highness.

Did she pass through towards the corridor, and in the direction of Bergami's apartment?—She did.

How often did she so pass?—Twice



At what time did she pass on the first occasion?—At half an hour past midnight.

How long did she remain in Bergami's room on that occasion?—About ten or fifteen minutes.

In what appearance did she pass the witness?—She passed slowly and softly, and after looking at witness, who appeared to be asleep, she passed on.

After the Princess had gone into Bergami's room, did witness hear what passed there, whether there was any conversation, or what else?—He heard some whispering.

Witness said, that the Princess went a second time into Bergami's room—How long might she remain there on that occasion?—About fifteen or eighteen minutes, it might be some minutes more or less.

Did he recollect any thing particular passing the second time the Princess was in Bergami's room?—Yes; some whispering and conversation.

[The Princess, after remaining at Naples from thirty to fifty days, left it for Rome. During her stay at Naples, she was left by several English gentlemen, one of whom, he believes, was called Gell. He has some recollection of such a name as Keppel Craven, but does not remember the rest. She was left also by some ladies, but he does not recollect their names; also by Sicard, the *maitre d'hotel*, and by Captain Hesse, who was called an equerry. She then embarked at Civita Vecchia on board the *Cloude*, and went to Leghorn and Genoa.]

Did any English person join the Princess at Genoa?—Yes; Captain Owen.

Did any one else?—Yes; Lady Charlotte Campbell, who was a tall fat woman, joined her Royal Highness, with her two daughters.

Where did the Princess reside while at Genoa?—In a palace at the end of the city, on the Milan road.

Did he recollect the situation of the rooms in which the Princess and Bergami slept in that palace?—There was a room between their apartments, in which room trunks and packages were kept, it was a baggage or luggage room.

Did any one sleep there?—No one.

Were there doors opening from this

luggage room into the apartments of the Princess and Bergami?—Yes; there were.

Might any one pass through this room from the apartment of the Princess to that of Bergami?—Yes; any one might pass.

[He knocked one night at Bergami's chamber door so loud, that he thinks he must have heard had he been there. The Princess went from Genoa to Milan, where she was joined by Faustina, a female relation of Bergami; and a child Victorine, about nine years old, was brought into the house. Lewis Bergami also came. At Milan, the rooms of Bergami were only separated by a wall; and the doors, seven or eight feet distant from each other, opened into the same landing place. Five or six days before quitting Milan, Lady Charlotte Campbell left the Princess, after which there remained with her no English lady.]

Did you ever see Bergami dine at table with the Princess?—Yes; several times.

Where did you first observe this?—At Genoa.

Did he continue to dine with the Princess after the first time you saw him at dinner with her?—Always, as far as I can recollect.

Did you assist in making the beds of the Princess and Bergami at Villa Villani?—I did.

Did you observe that any of the beds had the appearance of being slept in by two persons?—They had not that appearance always.

Could you tell from your observations of the beds, whether or not Bergami had always slept in his or elsewhere?—It appeared as if he had not always slept in it.

Did that happen often at the Villa Villani?—Yes.

Do you remember the Princess, at the Villa Villani, wearing a blue silk bedgown, lined with red?—I remember it.

After you saw the Princess wear the blue silk gown, did you see Bergami wear it?—Yes.

After?—He always had it on.

In the presence of the Princess?—Yes.

[The Princess afterwards embarked at Genoa in the *Leviathan*, and sailed to Palermo, and thence to Messina. At Mes-

sina, the rooms of Bergami and the Princess were only separated by one in which the Countess Oldi slept. The Princess and Bergami breakfasted alone in a cabinet leading into a garden. From Messina she went to Syracuse, where there was a private stair-case between the rooms of the Princess and Bergami. There was another entrance into the Princess's bedroom for persons waiting upon her. They went then to Catania, where Bergami was taken ill. The Princess came into the room when he was half dressed, and gave particular directions to Majocci about warming the bed. They went then to Augusta, where the rooms were separated by a court into which no one else could get. At Catania, Bergami was called his Excellency; he was created a knight of Malta, and named Baron Francina. They then sailed in a polacre to Tunis, where the Princess lodged first in the English consul's house, and then in the palace of the Bey. The apartments were here at a little distance from each other. From Tunis, they proceeded to Scala Nova, and the Princess slept in a tent made of boughs at a Turkish *caffé*, near the grotto of the Seven Sleepers. She and Bergami dined alone in this tent, where Majocci waited on them. From Scala Nova, they sailed to St Jean d'Acre, and thence travelled to Aun and Jerusalem. On this journey they slept in tents.]

Do you remember the tent in which the Princess slept?—I do.

Was that among the other tents, or at a distance from them?—At the distance of three or four paces; it might be five or six paces.

Was there a bed in the tent of the Princess?—Yes.

Was that the ordinary or travelling bed of the Princess?—There was a little bed and a Turkish sofa.

Did the tent of the Princess consist of one circle or of two?—It had double walls; there were two tents; one within another.

What distance was there between the inner and outer circle?—The length of my two arms.

Did you see the Princess in the interior tent, where the bed and sofa were, and any body with her?—Bergami and sometimes the little child.

Were Bergami and the Princess there

during the time that was allotted for sleep?—Yes, during the time of rest.

Were both the inner and outer tent closed?—The inner tent was shut up by them, and the outer might be closed or left open as they chose.

After the return from Jerusalem, where did the Princess again embark?—At Jaffa.

Do you remember, on her embarking at Jaffa in the voyage homeward, any tent being raised on the deck?—I do.

What beds were placed on it?—A sofa.

Any beds besides the sofa?—A travelling bed.

Did the Princess sleep in that tent generally on the voyage from Jaffa home?—She always slept in it during the whole journey.

Did any body else sleep in the same tent?—Bergami.

On the deck?—On the deck.

Did that take place every night?—Every evening.

Were the sides of the tent so drawn down at night, that no person could see into it?—When the Princess retired at night with Bergami, the tent was closely shut.

Did they use a lantern or lamp at night to go to bed?—They did.

What was usually done with it?—Sometimes, after I had made the beds, Bergami told me to remove the light, at other times the light was handed to me by Bergami, from between the bottom of the tent and the deck.

Were the beds regularly made up every night?—Every night.

Does the witness remember her Royal Highness having taken a bath, during her voyage from Jaffa, on board the polacca?—I do.

Where was the bath prepared for her Royal Highness?—In the cabin occupied by the Princess on her outward voyage.

Who assisted her Royal Highness?—I carried the water to the cabin; Bergami came down, and tried whether it was of sufficient temperature, and after doing so, he went on deck and handed her Royal Highness down to the cabin. They shut the door of the cabin, and he (Bergami) and her Royal Highness remained in the room alone together.

Did her Royal Highness take more than one bath?—I remember her Royal

Highness taking more than one, to the best of my recollection.

Do you remember at any time, when Bergami and the Princess were below in the cabin with the bath, being called upon to supply additional water?—I do; two pails, the one of hot, and the other of cold water.

Who took the water in?—I went with the water to the door of the cabin, and Bergami came half way out of the door, and taking the water, went in.

Do you know whether, when you took the water, the Princess was actually in the bath or not?—I cannot know that.

Where was the cabin which the witness slept in situated, with reference to the tent on deck?—under it, or how?—I slept in the dining room on the sofa immediately under the tent.

[Here the witness in answer to a question described a noise which he had heard, tending to convey an unfavourable impression.]

Without asking a particular description as to the arrangements of the rooms of the Princess and Bergami, I wish to know in general, whether, to the best of witness's recollection, they were, on this journey, contiguous, and had a direct communication with each other, or whether they were distant?—They were more near than apart.

Here some doubt was expressed respecting the answer of the witness. The interpreter observed, that he had said "*Migdo vicino chi lontano.*" The words might have a double meaning. They might mean very near, or comparatively near. Then Lordships might take it as they liked.—(A laugh.)

Mr BROUGHAM thought that this instruction should be given to the interpreter, that when words had a double meaning, he should translate them literally, and leave it to the House to judge of their import.

The question was repeated several times, and the result as given by the interpreter, was—"rather more near than distant—more near than apart."

Had the apartments of the Princess and Bergami in general a communication with each other?—Yes.

Were they in general separate from the

rooms of the rest of the suite?—They were.

Who in general selected the apartments for the Princess and Bergami?—They both made the distribution of the chambers—both her Royal Highness and Bergami.

Did Bergami during this journey travel in the same carriage with the Princess?—Yes.

Did he also in the journey to Pavia?—Yes.

When you say that they travelled in this way to Bavaria, do you mean in the journey through Germany?—I mean so.

[Among a number of other desultory circumstances, the witness mentioned Bergami having once been sent for by the Princess, when he was out riding, but on his return home, instead of obeying the order, he went and locked himself in his own room, where he remained for about an hour. He represented also by action an exhibition made at the Villa d'Este, by a person of the name of Mahomet, and which appeared indecorous.]

Mr BROUGHAM now began the *cross-examination*, of which the following were the principal heads:—

You have told us you left General Pino's service, was it not on account of killing a horse?—No.

You never killed a horse then at all?—Never.

You never told any one you had?—Never.

You gave us an account yesterday of your knocking one night at Bergami's door, at Genoa, so loud that he must have heard you; and that you did not receive any answer?—I did.

What sort of people were they who were coming to the house that night, that it made you go and knock up the Baron—the Baron Bergami?—It was when that attempt was made to rob the house.

Do you mean to say that robbers had broken in, or threatened to break into the house?—Robbers had come into the house.

Was not the alarm given, that it was a part of your friend Ompteda's gang?

The SOLICITOR-GENERAL submitted that this was an irregular question, and liable to the same objection which he had

already made to a former one. It was assuming that there was a person of the name of Ompteda, and that he was a friend of the witness's: it was assuming, too, that this was a gang of robbers.

Mr BROUGHAM.—So they were, by the answer to the last question which I put.

The SOLICITOR-GENERAL.—Of which gang you also assume, that the friend of Majocchi, the witness, was a part.

Mr BROUGHAM.—A part of the gang! He was their head, their ringleader.

The LORD-CHANCELLOR, addressing the learned counsel, observed, that he had said he would go by steps; but here he was assuming the whole of the facts, which it was not competent for him to do.

Mr BROUGHAM had not so understood the matter; but would waive the question.

Counsel resumed.—Did not you wake from your sleep on that occasion, and go to the window?—I opened the window, and saw a tall person below me. I went out; I took a gun and fired on this person. I had seen this person; these persons—for there were more than one—and they fled.

After the robbers had attacked or threatened the house, and you fired on them in the way you have described, was not the whole house alarmed by what had taken place?—I immediately ran to knock at the door: and then, in going down stairs, I found that all the people were collected, and coming down stairs.

Did you see one of them with a drawn sword in his hand, upon that occasion?—*Non mi ricordo.*—(I don't recollect.)

Was Capt. Hounam there on that occasion?—*Non mi ricordo.*

Was Hieronymus there?—There was all the family; but I cannot say, individually, whether he was there.

Did you see Bergami there?—Yes, Bergami was there; I saw him.

How long after the first alarm was it that you went to knock at Bergami's door?—Three minutes.

Three minutes after you had fired the piece?—Yes.

After knocking at Bergami's door, and not finding him there, did you open the door, to see whether he was in the room or not?—No, I did not open the door;

but Bergami came out, about a quarter of an hour after; he made a great noise when he came out.

And where were you at the time Bergami did what you choose to call, come out?—I knocked at the door, and, receiving no answer, went down stairs; and then all the family were coming out; and then I saw Bergami coming out in about a quarter of an hour after.

Mr BROUGHAM here observed.—He first fires upon the robbers; three minutes previously he has knocked violently at the door of Bergami's room, then he goes to see what is the matter. But it seems that in a quarter of an hour after this it is, that the house is alarmed, and he fires at them. Will you ask him, how soon it was after he fired the piece that he saw Bergami and the rest of the household come out?—I fired: I ran into the room, and knocked at the door of Bergami's room, but received no answer: I went back again to the place where I had fired: the family were collected on the stairs, and there was a cry of "Robbers! robbers! we have robbers in the house." I remained there until the family had retired, and it was peaceable.

How long were you knocking at Bergami's door?—I remained a long time, and I knocked very loud; louder and louder.

Did the Piccaroon, Victorine, always sleep in the same room with the Princess?—Generally.

After the time at which the Piccaroon child came to live in the house with her Royal Highness, did she generally sleep in the same room with the Queen?—I do not know.

Do you know of her ever sleeping in any other part of the house?—I cannot say.

Did you ever know her sleep in any other part of the house, or of ships?—*Non mi ricordo.*

Did her Royal Highness ride on horseback on the journey to Egypt?—Yes.

About how many hours was she in this way on horseback?—*Non mi ricordo.*

Was it four hours?—She mounted in the evening when the sun set, and dismounted in the morning when the sun rose, but I had no watch.

Will you swear she did not frequently

ride in this manner for as much as eight hours at a time?—*Non mi ricordo.*

Was she not extremely fatigued when she dismounted in the morning from these rides?—It was said she was very tired, and immediately went to rest herself on a Turkish sofa.

Did you not see her supported, from excessive fatigue, the last hour or two of the journey?—*Non mi ricordo.*

After she dismounted from her horse, the Princess sat upon the sofa because she was tired?—Yes.

Did you not yourself sleep or rest yourself during the day between the inner and the outer of the two tents where her Royal Highness reposed?—Yes, and Carlino.

Was not this the regular place of rest for you and Carlino in the hours of repose?—I slept on one side, and Carlino on the other.

I understand that no bedclothes were put upon the sofa?—Not that I recollect.

Was not the sofa put down in the same way as a sofa in a room?—Yes; in the middle of the pavilion there was a pillar, and the sofa was placed close to it.

Was it not in every other respect placed there in the same way as sofas are placed in rooms?—It was a sofa like others.

Was it not the Princess's constant practice, on the voyage, to throw herself down in the middle of the day for repose, without taking off her clothes?—*Non mi ricordo*: to that I paid no attention.

Will you take upon you to swear, that during the whole of that voyage the Princess never took off one stitch of her clothes?—After her Royal Highness had dismounted from the horse, she undressed herself to rest.

What part of her clothes did she take off for that purpose?—Her upper garment, her gown.

Do you mean to say that her Royal Highness took off her gown, or a turtout or cloak, in which she might have been riding?—*Questo non mi ricordo.*

Was there not a cloak which she used to throw over herself, on dismounting, before she went to rest?—*Questo non mi ricordo.*

Did she put on a mantle when she

mounted to pursue her journey?—*Questo non mi ricordo.*

Were there sheets and blankets on the sofa in the tent, on which a person could go to bed, taking off his clothes, as in Europe?—I placed the bed and some feather pillows, and then retired.

You did not put any sheets or blankets on it?—*Non mi ricordo.*

Was it exactly so with the sleeping in the tent on board the Polacre?—*Non mi ricordo.*—I know that there were cushions, but I do not know whether the beds were made.

Will you swear you ever saw, either during the land-journey in Palestine, or the voyage by sea home, one stitch of bed-clothing upon the beds?—*Non mi ricordo.*

Who, except yourself and Carlino, ever made these beds on land or during the voyage?—*Non mi ricordo.*

Have you not sworn that it was your duty and Carlino's to make the beds?—When we arrived I placed the bed in the tent, and then I went out.

You told us who made the beds at night; who removed them in the morning?—*Non mi ricordo.*

Will you swear it was not yourself?—*Non mi ricordo.* In the evening I was ordered to make the bed, and I carried the cushions: in the morning I was called to take away the cushions, for it was not a matrimonial bed—a large bed; but of single cushions.

Did you happen to see William Austin rest in the tent in the same way?—*Non mi ricordo.*

Do you know where Lieutenant Hounam slept?—*Non mi ricordo.*

Do you know where the Countess of Oldi slept?—*Non mi ricordo.*

Can you tell where Cameron slept?—*Non mi ricordo.*

Where did you sleep yourself?—I sometimes slept on a sofa below.

Where did the maids sleep?—*Non mi ricordo.*

Where did Lieutenant Flynn, the commander of the vessel—who is, I believe, a master in the navy—sleep?—*Non mi ricordo.*

Do you recollect such a person being on board, besides Lieut. Hounam?—Yes; I knew it.

## • BILL OF PAINS AND PENALTIES. •

Did you not observe him both by land and by sea?—Was he not present at the land-journey as well as the sea-voyage?—*Non mi ricordo.*

Will the witness swear that Lieutenant Flynn was not on the land-journey to Palestine?—I will not.

What age is Lieutenant Flynn? is he about 30, or above it?—I cannot say.

Is he older or younger, apparently, than Lieutenant Hounam?—About the same age.

Has the witness ever seen him in her Royal Highness's suit except during the voyage to Palestine; except during the long voyage?—*Non mi ricordo.*

Were you the only person on deck in that part of the ship where her Majesty rested during the night?—I did not sleep on deck.

When you saw a tent up for her Majesty to sleep in, were you the only person then on deck?—*Non mi ricordo.*

Were there no sailors on board of this ship?—There were.

Did they never come on deck?—*Non mi ricordo.*

Did they always remain below in the hold with you?—*Non mi ricordo.* I believe they did at night.

Do you mean to represent that the ship was left to go alone, during the whole of the night, without sailors on deck?—I cannot tell whether the sailors were in the hold, or upon the deck, when the vessel was sailing in the night.

Did you see the sailors during the day on deck?—In the day-time I believe they were on deck.

About how many sailors were on board this ship?—I do not know.

Were there two or four?—I don't know.

Will you swear there were not twenty-two?—I cannot swear.

About what size was the ship?—I cannot give an account at the present, because I have no knowledge of shipping.

So that, whether there were two sailors or twenty-two on board, you don't take on you to swear?—No.

Was there a captain on board?—Yes, the owner of the ship.

Was there any other officer in the ship?—*Non mi ricordo.*

Who slept in the place where you used to sleep?—Other persons slept there, but I don't remember who.

Where did the livery-servants of her Majesty sleep?—*Non mi ricordo.*

Did they sleep on deck?—*Non mi ricordo.*

Were not you a livery servant?—Yes.

Where did Bergami sleep?—*Non mi ricordo.*

What maids (female attendants) had her Royal Highness with her on the long voyage? what number?—There was Mademoiselle Demont, the Countess of Oldi, a brunette, and another.

Where did you last see Demont?—At Pesaro, when I left the service of her Royal Highness.

Have you never seen her since that time?—Never.

Do you know where she is now?—I do not know.

Does the witness know whether she is dead or alive?—I cannot know that.

Did you ever apply to be taken back into the service of her Royal Highness after you left it?—*Non mi ricordo.*

Did you ever apply to Count Vassah to be taken back?—*Non mi ricordo.*

Did you ever apply to Baron Bergami to be taken back?—If I well recollect, never.

Did you ever make application to Luigi Bergami for that purpose?—*Non mi ricordo.*

Did you ever apply to Mr Schavini to make interest for your being taken back?—Once I did.

Were you refused?—*Non mi ricordo.*

Were you in fact taken back?—No.

Have you ever been taken back in point of fact?—After I had left the service of the Princess, I never entered it again.

Were you in her Royal Highness's family again when that affair of the Baron Ompteda took place?

The SOLICITOR-GENERAL objected to the terms of the question.

Did you ever see a certain Baron Ompteda?—I do not remember his name.

Did you ever, the year before you went the long voyage, see a German Baron dining with her Royal Highness at Villa d'Este?—In the Casa Villani I saw him. he was a Prussian.

Tell us what his name sounded like as

well as you can recollect.—The name I cannot tell precisely, because it was an extraordinary name; but he was called Baron of something.

Whatever his name might be, was he very frequently at her Royal Highness's?—I remember well, so that I can swear that he was twice at the Casa Villani.

What makes you recollect his coming there?—I do not know.

Did any affair happen in the Princess's family which made a noise connected with this Baron?—*Non mi ricordo.*

During the time you were in the service of her Royal Highness at Villa Villani or at Villa d'Este, do you recollect any blacksmith or locksmith being examined there respecting the picking of locks?—*Non mi ricordo.*

About making false keys?—*Non mi ricordo.*

You never heard of such a thing in the family, while you were there?—I do not recollect to have heard it.

Do you remember no quarrel taking place between Lieutenant Hounam and the German Baron, while you were there?—I had heard that they had had a quarrel together, but I do not know the cause.

About what time did you hear this?—*Non mi ricordo.*

Before or after you came from the long voyage?—*Non mi ricordo.*

Had you saved money—a little fortune—in the Princess's service?—I put by 700 livres.

How long had you been accumulating it?—Three years.

Did you save any thing out of the fifty soldi per day which the Marquis Onischalt gave you?—By economy I was able to save a little money for my family.

What did your family consist of?—A wife and two daughters.

How old are they?—One nine, and the other between two and three years old.

About what time did you quit the service of the Marquis Onischalt, at Vienna?—About two years ago.

Into whose family did you then go?—The ambassador's, of Vienna.

The English ambassador gave me something to live upon.

What was his name?—Lord Stewart.

Did you go as postilion, lacquey, or courier, into his service?—Lord Stewart gave me only my living.

Do you mean that you became attached to his embassy as a sort of private secretary, or what?—I was always at the embassy.

Were you in his house on a footing of a private friend?—No, not as a friend.

Do you know a certain Colonel Brown?—I do.

What countryman is he?—It is impossible for me to know.

What language did he talk?—French.

Where did you first see him?—At Milan.

Was it while you were in the service of the Marquis Onischalt?—No.

Whose service were you then in?—At that time in the service of no one; I had left the service of the Marquis Onischalt.

Do you mean to say that you left the family of Onischalt for some time at Vienna, and then went to him again?—No; I left Vienna, and went to Milan to Colonel Brown.

Did you go with him, or to him?—To him.

Whom did you go with from Milan to Vienna?—With my father.

At what time was it that you went from Milan to Vienna with the Marquis Onischalt?—On the 13th of August, three years ago.

Do you mean in 1817?—Yes.

At what time did you leave the service of the Princess?—In 1817.

In what month of the year?—*Non mi ricordo.*

Was it in summer or in winter?—In summer; after summer.

How long after you left her service did you go with the Onischalt family to Vienna?—About five or six months after.

How did you return to Milan from Vienna?—I came to Colonel Brown.

But who accompanied you?—My father.

Was your father in the service of the Marquis Onischalt, at Vienna?—He was not.

Then how came he to come to Vienna?—He came to Vienna to take me.

Who sent him for you?—I cannot tell.

What is your father?—Jean Baptiste Majocchi.

What is his business?—A carter or carrier of merchandise, with horses.

Does he carry from Milan to Vienna? is that the course he takes with his merchandise?—No.

How did this carrier happen to set out to pay you a visit at Vienna?—He came to Vienna to tell me to come to Milan.

Did he come with his carrier's cart?—No.

At the time your father came to Vienna, were you in the service of the ambassador?—No.

Were you living at the ambassador's house?—No.

Was it during the time you were supported by the ambassador?—No.

In whose service were you?—The Marquis Onischalti's.

When your father took you to Milan, did you then see Colonel Brown or Colonel Durin?—I saw Colonel Durin at Vienna, and Colonel Brown afterwards at Milan.

You had seen Colonel Durin at Vienna while you were with the Marquis Onischalti?—No, after my father had come to fetch me.

What induced you to leave the service of the Marquis Onischalti, whom you liked so well, and go back with this respectable old carter to Milan?—My father told me to go to Milan with him.

Did you go to Milan merely out of respect to the order of your father?—No, he told me that Colonel Brown, at Milan, wanted to speak to me.

Did you not humbly represent that your bread depended upon your place in the family of Onischalti?—Yes.

But still he told you to go and speak to Colonel Brown, and therefore you went to speak to him?—Yes.

Whenever any body tells you to go to Colonel Brown because he wanted to speak to you, do you go directly with them?—(Cries of "order" prevented the witness from answering this question.)

Mr BROUGHAM—I submit that it is a perfectly legal question, such as is put in every court of justice, and such as has led before now to the discovery of conspiracies against the lives of individuals. Noble lords and judges are now present

whom I have seen save the lives of their fellow-subjects by such questions, and so put, and who could not have done it if they had been disturbed by cries of "order."

You went to Colonel Brown directly?—When my father told me so, I went to Colonel Brown directly.

And if your father were to ask you to go to speak to Colonel Black, would you go also?

The SOLICITOR-GENERAL.—I submit that that is not a proper question. What the witness would do under particular circumstances cannot be asked him. Hypothetical questions are not regular.

Did you ever go before by your father's desire to speak to Colonel Brown or to anybody else?—Never. Before my father spoke to me, I never went to any place.

Had you ever seen Colonel Brown before you went to speak to him at Milan?—Never.

How did you support yourself on the journey from Vienna to Milan, when you went to speak to Colonel Brown?—My father paid my journey.

Has he made a private fortune by the lucrative trade of a carter or carrier?—He has not.

Has your father any money at all but what he makes from day to day by his trade?—No.

Did you live pretty comfortably on the road from Vienna to Milan to speak with Colonel Brown?—We wanted nothing.

You did not go in your father's cart, I suppose; in what sort of carriage did you go?—In a species of calash.

When you got to Milan, did your father introduce you to this colonel to whom you had come to speak?—Yes.

Did you complain to Colonel Brown of the loss you sustained in giving up a good place or a good master?—*Questo non mi ricordo.*

Had you made any bargain with the Marquis Onischalti to take you back after you came to speak to Colonel Brown?—*Non mi ricordo.*

Have you any doubt, upon your oath, that you had made no such bargain with the Marquis Onischalti?—*Non mi ricordo.*

Have you ever been in his service again since the conversation with Col. Brown?—Yes.



Having no wages, how did you support yourself from the time you left Vienna to the time you came back?—The ambassador gave me something to live on.

Did the ambassador give you any thing when you went to Milan?—*Non mi ricordo.*

Who paid the expenses?—My father.

Did you go post, or how?—Post.

Both going and coming back?—No.

How did you return from Milan to Vienna?—By a public conveyance.

Who paid?—I and my father.

Who gave you the money to pay?—Colonel Brown.

Did your father go back with you?—Yes.

Is your father in the country?—He is.

And your wife?—Yes.

And your small family of children?—No.

In what square or street do you live in London?—I cannot tell the name.

Is it an inn in which you lodge?—I do not know whether it is an inn.

Is there a sign above the door?—I never made the observation.

Have you had any bill brought to you to pay?—No (with emphasis).

Have you ever paid any bill?—No; but I have to pay.

Are you to pay, yourself, for your entertainment at this inn?—I have not yet been asked, and I do not know whether I have to pay.

But are you to pay for your own keep?—I do not know.

When you went from Vienna to Milan with your father, where did you lodge at Milan?—At home; at my own house.

How did you support yourself?—On my own money.

How long did your money last?—*Non mi ricordo.*

Did any body give you money?—*Quis-to non mi ricordo.*

Did any body give you money at Milan?—When I left Vienna I received money; at Milan none; for I must speak clear.

Who gave you the money at Vienna when you left that city for Milan?—For the journey my father paid. Nobody gave me money. My father paid, and I remember no one gave me money.

At Milan did nobody give you money?

—Nobody gave me money when I arrived at Milan.

While you remained at Milan did nobody give you money?—*Ricordo di no, mi ricordo che non, non so ' piu no que si ' non mi ricordo.* I remember that there did not—I don't know.—Rather no than yes—I don't remember.

[The SOLICITOR-GENERAL then began a short re-examination, chiefly with a view of showing the consistency of Majocchi's accounts of his journeys.]

Were you dismissed her Royal Highness's service, or did you go away of your own accord?—I first asked for my dismissal at Rome; then I applied to Bergami twice for it at Pesaro. Bergami did not grant it to me until the second time.

When you left the Princess's service, did you receive any form of discharge, or certificate of good conduct, from her Royal Highness?—Yes, I have it, not in her Royal Highness's hand-writing, but with her seal. Schnavini wrote the paper.

Have you it about you?—Yes; here it is.

[After the legal examination was finished, detached questions were put by a number of particular Lords. The following are one or two of the principal.]

The MARQUIS OF BECKINGHAM.—The witness has stated, that on board the polacre, in which her Royal Highness sailed from Jaffa to Terracina, there was a cabinetto, in which there was a bath?—I did.

Did the witness see Bergami and the Princess enter the cabinetto together, in which the bath was prepared?—Yes.

Witness has stated that he handed buckets or pails of water for the bath, and that Bergami received them?—I carried two pails of water to the door of the bath, and Bergami came out and took one of them. Whether it was the hot or the cold water, I don't know.

Did you see the Princess; when Bergami took the pails from you?—No, because she was within. At the same time, I did not see her.

LORD AUCKLAND.—Have you seen Bergami and the Princess quit the bath?—No, but I have seen Bergami come out of the room and mount the deck, and tell her women to come down and dress her Royal Highness. And I have with my

own ears heard him say, "Madre De Mont, come down and dress her Royal Highness."

Leaving her Royal Highness, by herself, in the bath?—Alone in the bath.

The Earl of DARNLEY.—The witness has stated that a tent was placed upon the deck of the *polacre*, I wish to know the nature of that tent, and the manner in which it was placed; and whether it was a tent or an awning?—It was a tent, which was spread upon the deck by means of ropes; and in the evening it was closed as a pavilion. (Here the witness described upon the table the position of the tent.) It was closed all round. I think that, in the evening, this tent was let down and closed all round; and they said from within, "Stop it well, stop it all round, see there be no hole, no opening."

Was it a single canvass?—Sometimes it was single, and sometimes other pieces of canvass were put to stop the openings.

The Marquis of LANDOWN.—What was the motive of the witness for seeking at Pesaro to be discharged from the service of the Princess?—Because the Princess was surrounded by bad people. (*A laugh.*)

Why then did he afterwards make application to Schiavini to be restored to that service? Had the witness, in the mean time, altered his opinion of the persons by whom the Princess was surrounded?—I applied to Schiavini in a kind of common conversational way; I asked if it were possible to enter again into the service of the Princess, I applied in a kind of way.

Then the witness meant nothing serious by his application?—No; it was a sort of conversational application, "Would it not be possible to enter again into the service of the Princess?" I was in service at that time.

GASPANO PATRIZIO,

[Has a fourth share of a ship of 300 tons, of which Gargum Guardello is commander. The Princess came on board at Augusta, in Sicily, and sailed for Tunis. On this voyage, the Princess and the Countess of Oldi slept in two cabins, on the left side of the dining-room, Bergami in a cabin on the right of that room. Af-

ter leaving Tunis, Bergami's bed was placed in the dining-room itself, opposite to the door of the Princess's sleeping apartment.]

The door being open, could a person in the Princess's bed see Bergami's bed?—Witness. Why not? According to the division made, in whatever situation a person was, in Bergami's bed, he could not help seeing the Princess's bed when the door was open. The situation of the bed was such, that a person could not fail to see both together.

The witness afterwards added:—But a person might stand up in the bed in such a situation as not to be able to see the other bed, I mean, if he placed himself upright. But the bed itself might see the bed of the Princess. (*A laugh.*)

[In travelling to Jerusalem, Bergami dined in the tent with the Princess, but witness could not say, whether he slept there. Witness was present at Jerusalem, at the installation of the knights of the Sacred Sepulchre. They were Bergami, Austin, Schiavonette, and some others.]

After they left Jaffa, was any tent raised on the deck of the vessel?—There was.

Was that tent closed at night?—Yes, it was.

Was there any sofa or bed placed under that tent?—Yes, there was some sofa, and a small bed.

How were the sofa and bed placed under that tent?—They were placed at a little distance, to make a passage.

Has the witness ever assisted in closing that tent at night?—Yes, I have.

Who was in the tent at the time you assisted in closing it?—The Princess, Bergami, and some person belonging to her household.

Do you know who remained in that tent during the night?—Those who remained under the tent I don't know; but the servants who were in the tent came out of it. I saw them on deck, and stopped them. I don't know who remained under the tent, because it had a communication also below; and whether the Princess went out, I don't know.

Have you ever seen the tent raised up in the morning?—I have seen it.

Who have you seen under it? or have you seen any persons under that tent.

when it was raised up in the morning?—For the most part I have seen the Princess lying on the sofa, and Bergami on the bed. Sometimes not.

When you have seen Bergami as lying on the bed, how was he dressed?—In his usual dress—a cloak (*capotto*.)

The witness afterwards further explained. It was not a cloak, it was a species of morning-gown, with large sleeves (*to. an.*)

Have you ever known the tent to be closed during the day?—I have.

For how long?—A little time; half an hour, or an hour.

Who was under the tent when it was closed by day?—The same as in the evening, when the tent was closed.

I again ask, who was under the tent when it was closed by day?—The Princess, Bergami, and some person belonging to the servants, who assisted in closing the tent.

Did that person who assisted in closing the tent remain under it, or come out of it?—Many times I have seen that person, the servant, come out; but other times, when I was employed in the business of the ship, I do not know whether he came out or remained.

Do you know by whose directions the tent has been closed on these occasions?—Sometimes by the directions of Schiavini, but always by one of her Royal Highness's people.

Have you ever seen the Princess and Bergami walking together on the deck?—I have.

In what manner?—Arm-in-arm.

Have you ever seen them on the deck when they have not been walking?—I have.

In what situation have you seen them then?—In various situations; different situations.

Describe some of them.—I have sometimes seen them sitting on a gun, with the hand and arm of one behind the back of the other, because the gun was too small. They were supporting each other with their arms. Sometimes Bergami was lying on his back on a small bed, and the Princess sitting near to the bed, leaning upon it. When the captain saw me, on these occasions, he would make some excuse, sometimes this, sometimes that, to

send me away, because we were distant relations.

[The interpreter observed, that the witness's expression was, "*me, o parente*," the literal meaning of which was, half-relations; but he had translated it, distant relations.]

You say you have seen the Princess and Bergami sitting on a small bed; have you ever seen them sitting in any other situation?—I have.

In what situation have you seen them?—Sometimes I have seen Bergami sitting on the bench near to the main-mast, and the Princess sitting in his lap, with her arm round his neck, over his shoulder.

How was Bergami's arm placed on that occasion?—Bergami's arm was behind the back of the Princess, and the arm of the Princess was round the neck of Bergami.

On St Bartholomew's day, a dollar was given to each of the crew, who danced and cried, "Long live St Bartholomew! Long live the Princess! Long live the Chevalier!"

Cross-examination by Mr DICKMAN.

Who first applied to you to come here, for this business?—The English Vice-Consul at Messina.

When was it?—On the 22d, 23d, 24th, 25th, and 26th of the last month, July.

Was that the first time you were desired to give evidence on this subject?—Yes.

Did you go to the Consul, or the Consul come to you?—The Consul sent for me, because he had been charged to do so by the Minister at Naples.

What are you to have for coming here?—For what I have lost, it will be very little indeed.

What is it that you are to have?—I, for coming here, must receive, as a compensation for the ship and trade I am obliged to give up, 800 dollars per month.

[This statement created a general buzz through the House.]

The interpreter stated, that the rate of the dollar varied. The usual rate was 4s. 3d. or 4s. 4d. He recollected it as high as 4s. 6d.; but the average is 4s. 3d.

[The short-hand writer was here called on to read the answer to the last question, which he did.]

Have you paid any travelling expences?

—I have paid nothing, because I came accompanied by a courier. I was obliged, of course, to come, because the Minister applied to the Consul; and the Consul told me, if I did not go, I would be obliged (*obligato*) to go by means of the Government—otherwise I was not willing to do so.

Re-examination by the ATTORNEY-GENERAL.

The 800 dollars are not so much for the mere hiring of the ship, because we do not consider the hire of the ship for carrying goods so much as what we could make by our trade; for the owners allow us to trade for ourselves, and we may either gain or lose.

Are 800 dollars a-month an adequate compensation for your trade?—I cannot tell, for if my speculation were to succeed, I might gain a great deal more, and if it were to fail, I might lose a great deal more.

VINCENZO GARGUJO,

[Captain of the vessel, of which the last witness had acted as pilot. Mr Williams expressed doubts whether the oath, which he had taken, would be considered by him equally binding as those used in Italy, and proposed that he should be asked, whether any other would be felt by him as more binding. After a good deal of debate, the question is referred to the judges, who, after consulting, decided, that the witness could be asked whether the oath, which he had taken, was binding on his conscience, but no further.

The examination then commenced, when Gargujo gave the same account with Patuzzo as to the sleeping arrangements, on the road from Augusta to Tunis. He then added, that on the return from Constantinople, the Princess chose to sleep in a tent on deck.

The testimony of this witness respecting the journey to Jerusalem, &c. coincided with that of Patuzzo.]

How long did that occupation of the births continue?—In June the Princess came on board, at the departure from Constantinople, the weather coming warmer, the Princess chose to sleep on a bed in a tent on the deck. Seven horses and two asses were taken on board, and put below about that time.

What bed or beds were placed on the

deck under this tent of which you have spoken?—A sofa for the Princess, and a travelling bed of her Royal Highness's was put up for Bergami.

Did Bergami sleep there?—Yes; under the tent, together (*assieme*) with the Princess, in two different beds.

How long did Bergami continue to sleep in such a manner?—Until they landed at Porto Lanzo.

Ask him whether at night the tent was open or closed?—At night it was closed as a pavilion.

Who usually closed it?—I was commanded to close it, and I commanded officers.

Was it so close as to exclude any person outside from seeing what passed within, or was it partially open?—It was quite closed. When I could not close it with curtains entirely, I did it with other pieces.

What do you mean by saying with other pieces?—I mean with other pieces of the same material as the tent.

When was the tent usually opened in the morning to admit an?—I think about eight o'clock.

At the times when the tent was opened, the witness being present, where was Bergami?—Under the tent, coming out.

Was he entirely dressed, or in what manner?—I have always seen him entirely dressed.

In what species of dress have you seen him?—Upon deck he went in a Grecian dress of silk, which he bought at St Jean d'Acie. When he went on shore he was dressed in a coat, or as a colonel.

After the tent was closed at night in the manner you have described, was any light, generally, or occasionally, left in it?—No.

I am not asking you whether a light remained in the tent during the night, but whether there was a light there at the time when it was closed?—When the tent was closed there was a light; if it was light airs or no wind, the light was given out on deck; if it blew strong, the light was carried away by the ladder.

Can you remember who was in the habit of taking the light from out of the tent at the time it was so delivered out?—Whoever was present. Sometimes I took it myself.

To the fact of your recollecting, how

long did the light commonly remain within the tent after it was closed?—Ten or twelve minutes, perhaps; a little time.

Do you know who commonly handed out the light?—Bergami.

Do you remember whether, in the day time, the Princess sometimes sat or lay on the bed under the tent?—Often. She ordered that the tent might remain as a pavilion; because in the morning it was raised as a ceiling.

Where did the Princess take her siesta?

The interpreter professed himself unable to explain the term *siesta*.

The witness has said that the Princess often lay upon the bed under the tent during the day; did she do so after dinner?—Yes.

Have you ever seen Bergami there at the same time?—Yes.

In the day?—Yes.

Have you ever received directions in the day-time, when the Princess and Bergami were under the tent, to close it?—Yes.

Have you closed the tent, by direction, when the Princess and Bergami were within it?—Yes.

I have asked if you did this after dinner; have you done it frequently, or only seldom?—In a day I cannot say frequently or seldom; but in a week three or four times.

With Bergami and the Princess both inside the tent?—Yes, both.

Can you tell us how long, upon such occasions, the tent remained closed?—Sometimes a quarter of an hour; sometimes half an hour, or an hour.

Did the Princess ever take a bath on board the vessel?—Yes.

More than once?—More than once.

Do you remember her going below for that purpose?—Yes.

Who went below with her?—Bergami.

Upon all occasions when the Princess went below to take the bath, was she or not accompanied by Bergami?—Always, not only for the bath, but for every thing she did. For any other thing she did.

And for whatever purpose the Princess went below she was accompanied by Bergami?—Yes.

Have you ever seen Bergami sitting upon deck?—Yes.

Have you ever seen the Princess with him there?—I have. I have seen Bergami sitting upon a gun, and the Princess sitting upon his knee, and kissing each other.

Has this kissing, to your knowledge, happened once or more than once?—I saw it more than once.

When the Princess walked, whose arm did she take, or did she take the arm of any one?—She took, for the most part, the left arm of Bergami; nay, always, for I never saw her take the arm of any one else.

Did you ever, during the voyage, see any jokes or tricks played by Bergami?—I have.

In the presence of the Princess?—Yes.

Can you describe what you allude to?—I saw him put some pillows or cushions under his Grecian robe, to make her Royal Highness laugh.

*Cross-examination.*—Say who it was that asked you to come here.—The podesta (governor) sent a messenger to bind me, because my commercial affairs called me to Naples.

Did you see the British minister at Naples?—I did.

Name him.—Sir William A'Court. He is the English ambassador.

Did you receive any promise of remuneration?—Yes, I have.

I want to know whether it was at the Minister's?—During the five days I had been at Naples endeavouring not to come here, I told all my circumstances to the Minister; and the Minister, being convinced of my situation, agreed to allow me 1000 dollars a-month; but I have already lost 4000. The cargo I had discharged at Reggio has not sold at the price for which it ought to have sold. I had, besides, advanced money at Manfredonia to buy another cargo, which has remained unemployed, and the Minister gave me the assurance at the last moment I set out.

If you received any money in advance, or is it only in expectancy?—I have received 1000 dollars for one month. I received one month in advance at Milan.

How has your absence been the means of creating a loss on the cargo?—I left my ship, which had sailed from Manfredonia to go to Reggio, where she was to

discharge her cargo; and after having arrived here, I heard that my captain had sold the cargo for five carlinis (a carlini is equal to about 10 sous) less per bushel than the regular price.

[The interpreter stated the alleged loss to be about 2s. 1d. of this country, per bushel.]

Mr WILLIAMS.—Perhaps you have made a more profitable voyage here?—*(Order, order.)*

When did you last see Gaetano Paturzo, the person who was mate on board your vessel?

The SOLICITOR-GENERAL.—Paturzo was not the mate. He acted as pilot.

Mr WILLIAMS.—It is of no consequence. There is only one Paturzo who has given evidence. When did the witness see him?—The last time I saw Gaetano Paturzo was here in London.

That is the place. I want the time?—Two days ago.

Did you not see him yesterday?—I have not seen him before I saw him here for 18 months.

I don't ask that question. I ask when you saw Paturzo last? The day, or the hour, or the minute?—Last night we supped together, and last night we slept together—that is to say, in two rooms adjoining each other.

You did not breakfast with him this morning?—On the contrary, I have taken my coffee with him this morning.

That is not the contrary. Had you not talk together on the evidence which Paturzo gave yesterday?—No.

Not any?—No; because Paturzo would not tell what he said; nor am I a person to state what I have to say.

Did you inquire of Paturzo what he, Paturzo, said?—No.

What then do you mean by saying that Paturzo would not tell you?—Because I knew that he came here to speak a plain truth, as I have also come to this place to say a plain truth, on which I will take my oath.

That may be very well; but I want you to answer my question. What do you mean by saying that Paturzo would not tell you what he had mentioned here if you had not asked him to disclose it?—I have said that he would not tell it;

but I meant to say, that it cannot (this was afterwards explained, ought not) be told.

Did any body tell you not to speak with Paturzo about what he said here yesterday?—No; I told Paturzo not, by myself, of my own accord, without being prompted by any person.

By Earl GRIFFITHS.—What were you paid by the Princess of Wales while she had your ship?—750 dollars per month, and all expences.

By Lord AUCKLAND.—You said you received 750 dollars a-month from the Princess; did that cover all the expences of the voyage?—I have got much to say on that point. The freight of 750 dollars was a very low—the lowest (*possissimo*) allowance. I agreed for 750 dollars a-month as a certainty; but when we take on board a royal personage, we trust more to uncertain than to certain profits. In these uncertain profits I was disappointed, and I made some applications, some demands for compensation; and the English government thus came to know that I am what I am.

What was the expence per month of navigating the ship, paying all charges but harbour duties?—My crew consisted of 22 persons. The wages of these, allowing them, one with another, at 10 dollars a-month, make 220 dollars a-month. Then, provisions were very dear, in consequence of the year being sterile. Then the expence of wearing and tearing was great on this occasion; for, in consequence of having a royal personage on board, I was obliged to have the sails, the rigging, and all the ship, in tight order. The ship cost me 2000 dollars, and the insurance on that amount is at least 1 per cent; and, taking all these expences together, you will find that there could hardly remain any thing out of the 750 dollars a-month.

By the Marquis of LANSDOWN.—You have said you were disappointed of the profits you expected from taking the Princess of Wales in your ship. Did you make any application to the Princess, or to any other person acting for her, on the subject of that disappointment?—To her Royal Highness I did not. When she dismissed me from her service, I received

a certificate of character from her. I was dismissed in consequence of Bergami, who wished me to carry them to Venice, which I could not do. On our departure from Rhodes, the Princess, who always commanded what Bergami commanded, ordered us to go to Venice; but on leaving Candia the wind was from the north, and, remaining in that state, our water was going to be at an end; for I had also nine horses on board. Then I told them it was necessary we should land. They did not wish to go to the Morea, or to return to Candia, and therefore we were obliged to go to Sicily. Having lost sight of Sicily, we went to Naples; and Bergami, on landing, because he had promised 6000 dollars as a present, told me that there was no present for me, because I had not taken them to Venice. Then, when I came here, I presented a memorial through my own Ambassador, Count de Ludolph, to the British government; and I stated, that as I believed I served the British government, because I had the honour of wearing the English flag while the Princess was in my ship, I expected a present, but had not received any. In consequence of this application the English government knew that I was the gentleman who took the Princess and her suite on this voyage.

[At Mr BROUGHAM's request, *Theodor Majocchi* was here called in and re-examined.]

Does the witness recollect whether he was at Bristol in the course of the last year, or during the present?—No, I was not.

Has he ever been at Gloucester during that period?—Yes; I know Gloucester very well.

Did you live there in the service of a gentleman named Hyatt?—Yes, I did.

Did you ever declare to any person there that the Princess of Wales was a most excellent woman?—Yes, I have said that she was a good woman.

Did you ever say to any person that her conduct was highly becoming?—I always said that she was a good woman (*buona donna*), but that she was surrounded by bad people (*canaglia*.)

Did you ever state that she was a prudent woman, and that you never observed any thing improper in her conduct?—I cannot recollect at all, yes or no, whether I ever said so or not.

Did you ever state that she always behaved with the utmost propriety?—This I have never said.

Do you remember a gentleman named William Hughes at Bristol or at Gloucester?—I do not recollect him at Bristol.

Do you recollect him at Gloucester or elsewhere?—I may have known him, but I do not recollect the name.

Do you recollect him when you are told that he was a clerk in the house of Messrs Turners, bankers, at Gloucester?—No, I do not know any bankers of that name.

Did you ever know or communicate with the clerk of any banker at Gloucester?—*Questo non mi ricordo.*

Did you ever complain to any one that Bergami kept back a part of the servants' wages from them?—Yes, I did; I recollect that.

To whom did you so complain of Bergami?—I cannot recollect precisely, but it was in answer to somebody who asked me why I left the Princess's service, and I remember telling Mr Hyatt that Bergami wished to reduce my wages after a long voyage.

Did you ever say the same thing to any person besides Mr Hyatt?—*Questo non mi ricordo.*

Do you remember Mrs Adams, the mother-in-law of Mr Hyatt?—Yes, I do.

Do you remember Mrs Hughes, the housekeeper of Mrs Adams?—I recollect the housekeeper, but do not know her name.

Had she a son in a banker's house?—I do not know whether he was in the house of any banker, or what was his situation, but I recollect his making a visit to the housekeeper.

Did you ever tell him any circumstances respecting Bergami, or respecting your own wages?—I cannot recollect precisely, yes or no.

Did you tell him that the Princess of Wales was an excellent and prudent woman, and that you had never seen any thing improper or indecorous in her conduct?—*Questo non mi ricordo.*

You are not sure that you may not have said so?

The ATTORNEY-GENERAL was, we believe, about to object to this course of examination, but was interrupted by general calls of "Go on."

Did you ever state that the Princess of Wales had, as far as you had seen, always conducted herself most properly?—*Questo non mi ricordo.*

Did you ever travel in a stage-coach from Gloucester to Bristol, or from Gloucester to any other place?—I have never travelled in a stage coach from Gloucester except to London.

Did you never perform any other journey in a stage coach since your arrival in England?—No, I recollect no other.

Did you ever state to any person, in a stage coach, any thing with regard to the deportment of the Princess of Wales whilst you were in her service?—*Questo non mi ricordo.*

Did you say that she had always behaved with great prudence?—*Questo non mi ricordo.*

Did you represent her to be a much injured woman?—No: no more than I did yesterday.

Did you ever say to any person in England that you had been asked to give an account on oath respecting the conduct of the Princess of Wales?—(With great emphasis) No: in England I was never asked.

The question is not whether the witness was ever asked in England to give an account, but whether he ever said in England that he had been asked?—No answer.

Did you ever say to Mr Johnson that you had been applied to to become a witness against the Princess of Wales?—I swear I do not know either the name or the thing mentioned.

Did you ever say to Mr Johnson, in the stage-coach, "I have had great advantages offered to me if I will be a witness against the Princess," or words to that effect?—(With violent gesticulations.) I will lay down my life there (pointing to the space within the bar) if such an offer was ever made to me.

MR BROUGHAM.—This is not an answer; let the question be explained to him.

The interpreter here expressed a hope that their lordships would permit him to use any words, and to exercise his own discretion as to the form and manner of stating and endeavouring to make intelligible the questions to this witness.

The preceding question was again put.

I will lay down my life if I ever made any discourse about appearing as a witness, or about any oath.

Did you ever state to Mr Johnson, in a stage-coach, that you had been offered a sum of money, or a place under government, if you would give evidence against the Princess of Wales?—How could I say so to him, when I did not know his name?

Did you ever say to Mr Johnson, in a stage-coach, that you had been offered a sum of money, or a place under government, for the evidence you were to give against the Princess?—To you I will answer no more; you ask me things that never entered my head—things I never dreamt about.

By the LORD CHANCELLOR.—Had you ever any conversation in England with any person in a stage-coach about giving evidence?

MR BROUGHAM submitted that that question ought not to be put at present: he asked—

Had you ever any conversation with any body in a stage coach respecting her Royal Highness the Princess of Wales?—I never have spoken about the Princess of Wales in any diligence.

Did you ever speak about the affairs of the Princess of Wales in the course of any journey you had in England when travelling in a diligence?—Never about the affairs of the Princess of Wales. I never meddled with those discourses.

Did you ever at an inn, or in a diligence on a journey in England, say that you expected money or a place under government for giving evidence against her Royal Highness?—Never! Never! (with vehement action.)

By LORD ELLENBOROUGH.—When you spoke of her Royal Highness as a *buona donna*, a prudent woman, did you refer to her moral conduct as a woman, or to her behaviour to you as a mistress?—When there was discourse respecting the Princess of Wales, I always said that she was a *buona donna*; because if I had said that she was a *cattiva donna*, a bad woman, they would have fought me—knocked me down.—(Laughter.)

FRANCISCO DI ROLLO

[Served as cook to the Princess for several



years. Was hired by Bergami, whom he knew when in the service of General Pino. Made the voyage with the Princess. Saw her and Bergami sitting late one evening in the tent. Has seen him come out of it, but not early in the morning. The tent was sometimes closed in the middle of the day, the Princess and Bergami being within it. At the Villa Villani they used to come into the kitchen; the Princess cut a piece for herself, and then one which she gave to Bergami.]

Do you recollect her going to Court any day?—I do.

Were you on that morning in Bergami's bed-room?—I was.

At what time in the morning?—About nine, or past nine.

Did the Princess get up at that time?—I do not know.

For what purpose did you go into Bergami's bed-room?—I was carrying a ruff for the neck, and a pair of gloves, to the dame d'honneur.

Did the door of the dame d'honneur's chamber open into Bergami's?—You entered the room of Bergami, and on the right was the door of the dame d'honneur.

Did Bergami's bed appear to have been slept in?—At the moment I was coming out of the room of the dame d'honneur I saw Bergami coming out of the Princess's bed-room, and he scolded me.

What dress was Bergami in at this time?—He had on his morning-gown of striped silk, and he had his under small-clothes, drawers, stockings, and slippers.

The EARL OF LAUDERDALE.—When Bergami came out of the Princess's room, what did he say to the witness?—He said, "You scoundrel, what do you do here? Who has opened the door?"—I answered that I found it open. He then said, "Go away."

LORD VISCOUNT FALMOUTH.—Witness has stated that Bergami looked over his accounts. Had he ever any quarrel with Bergami respecting those accounts?—Yes, I have had some disputes.

When you left the service of the Princess, did she give you a good character?—No; because I did not ask for it.

Did you leave her service of your own accord, or were you discharged?—There

was some quarrel, up or down; and they said, "You may go;" and I went.

CAPTAIN SAMUEL GEORGE PECHELL.  
[Received the Princess on board the *Clorinde* at Civita Vecchia in March 1815.]

Were you in the habit of dining with the Princess at the time she was on board the *Clorinde*?—I was. The Princess was entertained at my table.

Did Bergami wait at table?—Every day.

Did he wait as a menial servant, as any other servant?—He did.

[Captain P. afterwards received her Royal Highness on board at Messina, in Sicily, when the following incident took place.]—

The morning after I arrived at Messina Captain Briggs informed me that the Princess expressed some uneasiness at the prospect of keeping her own table on board the *Clorinde*. I therefore desired Captain Briggs to say to the Princess, in my name, that I was ready to do every thing in my power to make her comfortable while she was on board the *Clorinde*, provided she would be pleased to make a sacrifice, which my duty as an officer compelled me to exact, by not insisting upon the admission of Bergami to my table; for that, although now admitted to the society of her Royal Highness, he had been a menial servant when she had last embarked on board the *Clorinde*. In the afternoon of the same day I saw Captain Briggs, who had said that he had had a conference with the Princess, as I had desired, and that, from the tenor of his conversation with her, he believed there would be no difficulty in my request being acceded to, but that her Royal Highness required a day to consider the subject. The *Leviathan* sailed on the following day, and on the morning after I visited the Princess, with a view to know her determination. The Princess declined seeing me herself, but desired Mr Hounnam to inform me that my request would not be acceded to; and, in consequence, her Royal Highness provided her own table.

Where did the Princess dine while she was on board?—In her own cabin.

Do you know who dined with her?—I do not.

she did not dine at your table?—She did not.

CAPTAIN THOMAS BRIGGS

[Took the Princess on board the *Leviathan* at Genoa in 1815.]

What disposition had you made of the cabins on board your vessel for the accommodation of the Princess before she came on board?—I had made such an arrangement as I thought would accommodate all parties.

With respect to the sleeping-rooms, where did you design the cabin of the Princess?—The after-part of the *Leviathan* was divided into two cabins, which I intended for the Princess; one as a sleeping-room, the other as a drawing-room. Before that there were two other small cabins in a line with each other, which I intended for the Countess Oldi and the two maid-servants; and I meant to put the men any where; some in the ward-room, some in my own cabin, as I might find most convenient, reserving a part of the cabin for myself.

Was that disposition altered when the Princess came on board?—Yes.

In what manner was the arrangement altered?—An alteration took place in the door of the cabin which I meant for the Countess Oldi, and Bergami was put into it.

What alteration took place in the door?—The two small cabins, which were to have contained the Countess Oldi and the maid-servants, had communication with in each other. When the Princess came on board, she said that she desired Bergami's cabin to be changed to that which I had intended for the Countess Oldi. Originally, to have gone into that cabin you must have passed through the room intended for the maid-servants; but when this alteration took place, the door of communication between those two rooms was nailed up, and a door was opened from Bergami's room, which came out close to the room occupied by the Princess.

So that, after the alteration, the door in the room appropriated to Bergami was near to the door of the cabin of the Princess?—It was.

Have you ever seen the Princess walking with Bergami?—I have.

In what way?—Arm in arm. That I think was at Messina. I did not think it at all uncommon. (Here the witness dropped his voice.)

Not uncommon, considering the terms they were upon, did you say?—I said not uncommon, because it happened occasionally.

(*Cross-examination.*)—Did you not know some difference existed between her Royal Highness and Captain Pechell about the stowing of some luggage?—On her Royal Highness's part I did. She said she had not been treated by Captain Pechell with the same degree of accommodation that I had afforded her.

By the EARL OF LAUDERDALE.—What answer did the Queen give when you spoke to her in consequence of Captain Pechell's representation?—She said it was of no consequence; it was only to prevent the Captain from keeping two tables that Bergami dined with her at all. I left her under the impression that the matter would not be persevered in further, because I remarked to her how easy it was to send Bergami's dinner to a smaller cabin.

Did the witness see any improper familiarity between the Princess and Bergami?—No; I saw none.

Had you any reason to suspect any improper freedom or familiarity between them?—No.

PIETRO PUCHI.

Does the witness reside at Trieste?—Yes.

Does he keep an inn there?—Yes; I am the agent for the *grande albergo* at Trieste.

By the EARL OF LIVERPOOL.—What do you mean by agent?—I am acting for my Madame—my *Donna*.

The SOLICITOR-GENERAL proceeded:—Do you know an inn called the Black Eagle, at Trieste?—I do.

Who keeps it?—Vincenza Bartololui. Is that the name of the inn of which you are agent?—Yes; it is the *grande albergo* of the town.

Do you remember the Princess of Wales coming to that inn?—I remember it much.

[The Princess of Wales came to the inn about four years ago, attended by Ber-

gami, without any other servant. She remained there six days. His bed-room, during this time, opened into the dining-room, while that of Bergami opened into that of the Countess of Oldi, and it into the dining-room. This room had no other door except the one to go out by, which was constantly shut at night.]

Did the witness, at any time during the morning, while her Royal Highness was at Trieste, see Bergami come out of any room into the dining-room?—I have seen him come from the room of the Princess.

At what hour?—About 8, or half past 8, in the morning.

How many times did you see that during the six days her Royal Highness remained at Trieste?—Three or four times.

Will the witness describe the manner in which Bergami was dressed when coming out of the room of her Royal Highness?—He had a dress made in the Polish fashion, with some gold lace on it, which came from the waist down behind.

What else besides that?—He had drawers.

Had he any stockings on?—Sometimes he had stockings, and sometimes pantaloons, which were at once stockings and pantaloons; but I cannot precisely say, for I was looking out through the key-hole of my room. (*A laugh.*)

What led you to look through the key-hole?

Mr WILLIAMS submitted that the motives of the witness could not be received in evidence.

Did you make any observations on the bed assigned to Bergami?—Yes, I have.

Did that bed appear to have been slept in?—Never.

I wish to know whether, after Bergami went away, you made any observations on the sheets of the bed?—The sheets were put on the bed clean, and were taken away clean.

How many *pots-de-chambre* were there in the Princess's bed-room?—There were two.

Were they both made use of?—I did say yes.

Were there more than one wash-stand and basin in the room?—There were two.

Did they appear both to have been

used, or only one?—I don't remember; many travellers wish two basins, and yet they may be alone.

*Cross-examined*—Are you still agent, or by whatever other name than agent you may be called, for the Grand Hotel at Trieste?—I am after taking the man which is called the Black Eagle; but if I don't gain the trial (the law-suit), I shall continue to be in the Grand Hotel.

[This answer appeared to excite a considerable sensation. The SOLICITOR-GENERAL thought the meaning of the witness was, "if I don't gain what I attempt to gain." The short-hand writer was desirous to read the answer, and the word "law-suit" was retained as the correct translation.]

Have you been at Milan?—Yes.

More than once?—It I must go to my own country, I must go to Milan. I have been there 5 or 6 times.

What countryman are you?—I come from Asti, in Piedmont.

Did you go to Milan to make a deposition of what you knew?—Yes, about 18 months ago.

Who examined you?—Colonel Brown.

Did any law man assist?—Yes, a lawyer who is here, but I don't remember his name.

Should you recollect if I assisted you with his name? Was it Mr Powell?—Yes.

Was Counsellor Cook there?—I don't know what he is called, but there was one whom I considered a Milanese.

Was his name Vilmarcati?—I don't know.

You were at that time regularly examined?—Yes, I was.

Was your examination taken in writing?—I believe so.

And you gave a full account then of the room, and of all that you have told to-day?—What I can say before God, I have said here and at Milan.

I take it for granted you have received no money?—I did not wish for any, but he gave me some.

You did not wish for any money?—He told me to take this, and gave me 8 gold Napoleons, and 11 francs.

BARBARA KRESS, (or KRANTZ,) [Before her marriage, which took place

three years ago was servant at the Post inn, Carlsruhe. During that time, the Princess spent a week or ten days at the inn. One evening, between 7 and 8, she went with water into No. 12, which was Bergami's bed room.]

On carrying the water to No. 12, who was in the room?—The Princess and Bergami.

Where was Bergami when you went in?—Bergami was in bed.

Where was the Princess?—She was sitting on the bed next him.

Could you see whether Bergami's clothes were on or off?—I could not see; but the moment I entered, Bergami's arm was wide.

Where did you see his arm?—When I entered Bergami had his arm round the neck of the Princess, and when I entered he let it fall.

Can you describe his dress?—I cannot tell that.

What did the Princess do on your entering the room?—The Princess had jumped up, and was much frightened.

What did the Princess do when she saw you enter?—She had then jumped up.

Do you mean to say that she had jumped up, or that she did jump up on your entering the room?

The witness repeated her former answer, the literal translation of which, the interpreter said, was "she got up, or she rose."

[Mr BROUGHAM stated it as the observation of a gentleman near him, that the interpreter did not give correctly the import of the answers. This being confirmed by the Bishop of Peterborough, Mr Brougham was called upon for another interpreter. Mr B. observed, that in consequence of having been refused a list of witnesses, it had been impossible for him to be provided with one. He had understood there were to be no witnesses except Italian, but if the opposite party were to follow the Queen through every country in which she had travelled, he might be called upon next day for a Turkish, Greek, or Egyptian interpreter. The Attorney-General observed, that as Mr Brougham himself had, in his opening speech, alluded to Carlsruhe,

he could not consider the appearance of a witness from that quarter as improbable. After some discussion, it was agreed upon, that a delay should be allowed till to-morrow, to enable the Queen's counsel to procure an interpreter of their own. Next day, the examination was resumed. The witness found one morning on Bergami's bed a capot or cloak, apparently belonging to a female, and afterwards saw the Princess wear another of the same shape and colour, but cannot positively swear it was the same.]

Did you at any time, on making up the bed, see any thing on the sheets?

Here some observations passed between the interpreters on the answer given by the witness.

Queen's interpreter.—The word she has used cannot be interpreted in English.

The King's interpreter was directed to state what she had said.

She says, that when she made the bed the sheets were *wust*.

The Queen's Interpreter.—What she says may mean, "in disorder." The proper meaning is "waste;" it is an adjective.

LORD HAMPTDEN.—Is it not a substantive also?—As a substantive it means "a desert."

After some conversation, the King's interpreter was directed, if he could not explain the word in English, to ask the witness what she meant by *wust*.

[An explanation was given, which we decline inserting, but which tended to make an unfavourable impression. The witness was much affected, and wept bitterly for some time.]

*Cross-examined.*—Witness never has been at Vienna, nor had seen Colonel Brown; but she was brought to Hanover, and to Frankfort, and examined at these places. At Frankfort she received 12 or 14 ducats.

Did any body give you any thing else since?—No; except the gentleman who fetched me from the post here.

Do you mean the courier?—I know not what he was. He was a foreigner—a stranger.

What did he give you?—He called upon me twice to go there.

To go where?—To the post; and he

then told me that I should go to London. I said I would not, till I was forced.

What else occurred?—He said I had better go, for it would come at last, I should be obliged to go.

A Peer.—The witness says, then I was obliged to let it come to that point.

Who asked you to come over here?—Our minister, Monsieur——, at Darmstadt.

Did any other minister speak to you on the subject?—When I was there, I saw nobody else.

Did any other minister speak to you on the subject of coming over here?—Yes, Monsieur De Galle.

Who or what is Monsieur De Galle?—He is at court: I do not know what situation he holds there.

Did any other person speak to you about coming over here?—The ambassador to the Court of Wurtemberg did.

Did any one else speak to you about coming over?—Monsieur De Grimm and Monsieur Rathvegn.

Who and what is Monsieur Rathvegn?—They told me that he was the minister or ambassador to Hanover.

Does he live at Carlsruhe?—Yes.

Did no person give you any money before you came over here?—No; except the gentleman in Carlsruhe, those ducats that I mentioned.

Did no one promise to give you money after you came back to Carlsruhe from England?—No one promised me any thing.

Will you swear, upon the oath you have taken, that no person promised to give you any advantage of any sort after you came back from England?—No, one promised me any thing; but they said I should have reimbursement (*dedom-magement*) when I came home, for the time I had lost.

How much were you to have?—I cannot say what I shall have.

Who was it told you you should get compensation?—The minister, our minister.

What minister?—I cannot tell what. I said to him that I was to be compensated for the loss of my situation.

Who is the Duke of Birgsted?—Minister, as far as I know.

Whose minister?—I cannot say.

Is he not minister to the Grand Duke of Baden?—I do not know if he is minister for foreign affairs, or for the interior.

How did you see him?—He called for me.

Do you mean to say that he sent for you?—Yes.

Did he not come to the rooms in the inn where you lived?—Not the Duke of Birgsted.

Did not Baron Von Reigle come to the inn to look at the rooms while you were there?—I did not see him.

Will you swear that the Princess and Bergami did not dine at court every day while they were in your house?—I cannot know if they dined at court, or where they dined.

Did you see the Princess and Bergami, and the rest of the suite of her Royal Highness, go to court during the time they were there?—I have seen them twice go out in a carriage; but whether they went to court I do not know.

Have you seen the Grand Duke come to the inn to wait upon the Princess?—I have seen the Grand Duke and several other gentlemen come up to the Princess.

What do you mean by "come up to the Princess?"—I can say nothing about it.

Do you mean to say that they came to pay their respects to the Princess?—Yes, probably they came to make their court.

Did you happen to see them come so more than once?—Only once. It was just as I was going down stairs that the gentlemen were coming up stairs.

Where did the Princess receive the Duke?—I saw that they went up stairs; and then I went up to the top story.

Whom have you spoken to on this subject since you came to this country?—Two gentlemen have come to me, but who they are I do not know.

Have you ever spoken on this matter with any other person in this country besides those two gentlemen?—No.

Do you know a Captain or Major Jones in this country?—No, I know nobody.

Did those two gentlemen that you talk of speak German?—As much as I could judge, one of them did.

Do you know his name?—No.

Was he a German or an Englishman? —I do not know. He spoke German; but whether he was a German or not, I cannot say.

Besides the house where you now live, have you been in any other house since you came to London?—No, I have been nowhere else except here, in this house.

When you say you never were in any other house in this country except where you now live, do you mean that you never lodged in any other house, or that you have not been in any other house at all? —When we arrived, we were at a hotel only for a few hours; we then left it.

And have you never been, for any space of time, however short, in any other house save those two?—No; I have been nowhere.

When you had the conversation with Baron Birsted about compensation for coming here, what did you say to him when you demanded it?—I said, "Your excellency, must I go?—If I do not (*must*), I cannot leave here. I am a married woman, and I have other business to attend to."

What answer did his excellency make to that?—He said, if I should not go, I would be forced to then I answered, "I will go, and God may settle the business as he pleases."

When you asked for the compensation for coming, what did the Baron say?—He said he could not give me any thing; that I should leave it to the gentlemen, and he had no doubt that they would recompense me when I came here.

Did he not also say that you should be recompensed when you got home again from here?—No.

Have any of your family a promise of any thing?—No.

Will you swear that no promise was given to your husband, or to any of your family?—I can swear that nothing has been promised to me, and I think that nothing has been promised to my husband, or he would have told me of it.

By the Earl of MANSFIELD.—When the witness made the bed in the morning, had the bed the appearance as if two persons had slept in it?—No; the cushions or pillows lay one on the another. So far as I recollect.

By the Earl of LIMERICK.—The witness, in the former part of her evidence,

used the words, "they left together," I wish to know what she meant by the word "they"?—That, when I made the bed, there was nobody in the room.

I again ask, what did she mean by the word "they" (*sic*)?—The interpreter endeavoured, without effect, to make the witness comprehend the question; but her answer still was, "I mean that nobody was present when I made the bed."

By Lord HOOD.—Had you any conversation with any person respecting your observation relative to her Royal Highness and Bergami, particularly with reference to what you saw when you observed Bergami in bed, and that the Princess jumped up?—I never have made any observation to any body.

I want to know, whether, on the moment she experienced this fright, when the Princess jumped up, she communicated with any body respecting that event?—I spoke to nobody about it, except Mons. de Grimm, who asked me about it.

How long after the Princess left the inn were those questions asked you?—As soon as they went away, then I made the room ready. Mons. de Grimm soon after came to the inn, and asked me the questions.

Asked you what?—He asked me, in the room, about this matter, and then I was unwilling to say any thing. But he asked me again, and I told him.

I want to know what the witness was asked?—He asked me, have you never seen any thing?

Exam of LAUDERDALE.—The witness has said, that, in the course of her duty, she carried water to the chamber No. 12; I wish to know whether, the next night after seeing the Princess there, she carried water in the usual way to No. 12?—No; it was then shut, and I placed the water before the door of the room.

Did she, after the night in which she saw the Princess in that room, generally find the door shut or open, when she carried water there?—It was shut.

Was it generally shut?—Yes; many times it was shut, many times it was open.

Does she mean, by the door being shut, that it was merely closed, or actually locked?—I attempted several times to go in, but it was locked, and I could not go in.

By another Peer.—Did you carry wa-

ter to the Princess's room?—No; the maids took care of that.

GUISSEPPE BIANCHI.

[Mr DENMAN objected to the use of the Marquis Spinetta, as interpreter, on account of his having before seen the witness; but Lord Liverpool observed, that it was impossible to get any one who could interpret so well, and that he would be checked by the Queen's interpreter.]

The witness was an Italian Swiss, who waited at the *mn de Grande Bretagne*, at Venice, during the time the Princess was there. At that time she brought a gold chain called *manina*. After dinner, she and Bergami were left together.]

What passed when you saw them together?—After having got up, she took the chain from her own neck and put it round the neck of the courier: the courier afterwards took it from his own neck and put it round hers, and then he took her by the hand and accompanied her to the saloon, where they went to drink coffee.

When you saw the Princess and Bergami go out of the room, in what manner did they conduct themselves?—He took her hand, squeezed her hand, and went to the door: she went in, and he came away.

[At a second visit to Venice, Bergami was called Baron; they went out together every day, he giving his hand to help her into the gondola, he was covered with a string of orders and jewels.]

*Cross-examined.*—What bargain have you made? What pay are you to have for coming here?—None.

Do you mean to swear that you are to receive nothing as a compensation for loss of time on coming here and staying here?—They told me I was to receive nothing, but to come to London to tell the truth, and thus I have done.

But what are you to be paid for telling the truth?—I have made no agreement nor condition: if they will give me something, I shall take it. (*Laughter.*)

PAOLO RAGAZZONI,

[Had been employed as a working mason in the garden at the Villa d'Este, while the Princess and Bergami were there.]

Have you ever seen them together alone in the garden?—Yes.

Have you seen them alone in the garden once, or more than once, or several times?—I have seen them more than once.

What were they doing?—I have seen the Princess in a chair which had wheels, and Bergami behind pushing it.

Was any body else with them at the time you speak of, or were they alone?—The Princess and Bergami were alone.

Did you ever see Bergami in the chair?—Yes, I have, and the Princess behind pushing him.

[While at work in a grotto, he heard somebody in an adjoining room, and looking under the scaffold, saw Bergami and the Princess, behaving in a manner highly indecorous.]

*Cross-examined.*—Who called on you to go over to England, to be a witness in this case?—The governor said I must go, and I came.

Who paid you for coming?—I was paid nothing.

Did you not receive any money for your expenses?—Not as much as the price of a drop of water.

Who, then, paid the travelling expenses?—The courier.

You came, then, with a courier?—Yes.

Do you know his name?—I believe his name was Rastell, who came with me from Milan to Holland, and an English courier brought me from Holland here.

JERONIMO MIARDI,

[Was employed as director of the Princess's garden. Knew Bergami before he was in her service.]

What were Bergami's circumstances when you first knew him? were they rich or poor?—He was a poor man.

What situation did he fill?—He was the man of an excise-officer, whose duty it was to put the excise-marks on the wine-casks for the duty.

Did you ever see the Princess and Bergami together?—I have.

Did you ever see them walk together?—I did.

How did they walk?—Arm-in-arm.

How did they seem to behave towards each other?—They seemed to each other like man and wife.

Did you see them riding together in a carriage at any time?—Yes, I have.

Did you ever see them in that sort of carriage called a *parentevole*?—Yes.

Will the witness describe in what manner they sat in this *parentevole*?—Bergami was sitting in the back part, and the Princess upon his knee.

Was there any one else in the *parentevole*?—Nobody.

Did the witness ever see Bergami and the Princess in the kitchen together?—Several times.

State what they were doing.—They were eating, where the cook was sitting. (The interpreter observed, this was the literal meaning of the witness's answer.)

Were they eating from one and the same plate, or from two plates?—Sometimes from one, sometimes from two.

Do you know the gate leading to the great garden?—I do.

Do you recollect seeing the Princess and Bergami together near that gate?—Yes.

How far from them were you when you saw them together?—Twenty or thirty paces.

Did you observe them doing any thing together?—I saw them once kiss.

He was examined by Vilmareati, Brown, and Powell.]

Was your examination taken down in writing?—Yes; they even made me sign and swear to it.—(A laugh.)

Did you also swear to it?—They made me swear to it, but I did not know at the time that I was to come before any tribunal; if I had known any such thing, I should not have signed it.

Did you take that oath upon the cross?—No; they only told me, "Here you must tell the truth; you must tell the truth, neither more nor less, you must state only what you saw with your own eyes."

What did you receive when you went to Milan, and stopped there for two days?—They paid my expenses by giving me 20 francs, but I was obliged to add a franc of my own out of my own pocket.

PAOLO OGGIONE,

[Had served as under cook to the Princess. Knew Bergami well, and had seen him in prison.]

What was his situation in the service of her Royal Highness at the time you were there?—Baron.

You say he was a Baron; but I ask what was his situation in the household?—Chief commander over the household.

You have said that you have seen the Princess in the kitchen with Bergami; in what way have they come into the kitchen?—Arm-in-arm.

For what purpose have they come into the kitchen?—Sometimes to come and eat something.

By "sometimes" do you mean many times, or few?—Many times.

Had they any thing to eat?—Yes.

When you were at the Barona, did you ever know balls given by the Princess there?—I have.

Who used to attend those balls?—Principally people of low rank and condition.

Did the Princess use to dance with these persons?—No, she danced by herself, and sometimes with Bergami.

But did she dance at the same time with these country people, and low people, who were there at these balls?—She did.

[Had seen a person, called Mahomet, perform an indecent dance, at which the Princess appeared much amused.]

Cross-examined.—Were you discharged for drunkenness?—No.

Did you go away of your own accord?—When she set out to go to Rome, I was left behind with six others.

What service did you next enter into?—(A long pause.)—I went into the service of a priest; but I do not remember his name.

Where did he live?—He was a minister of the great hospital at Milan.

Where did he live?—At Milan.

How long did you stay in his service?—A year.

And you do not know his name after living with him a year?—I do not remember his name.

LOUISA DUMONT,

[Is a native of the Pays de Vaud, and a protestant. Was engaged at Geneva for five years as first *femme de chambre* to the Princess. Remembered well the engagement of Bergami, who at first ate and was on a footing with the other servants.



The second day, however, after his arrival at Naples, he was removed from the bed-room at first allotted to him, into one near that of the Princess, and having an internal communication within. At the same time, William Austin, the boy, who had hitherto slept in the Princess's room, was ordered, as being now too big, to be put into a separate apartment. There was, then, between the rooms of the Princess and Bergami, only a small cabinet, and a passage; the outward door of which being closed, no one could have access to those rooms.]

Did her Royal Highness, on the evening after her arrival at Naples, go to the opera?—Her Royal Highness told me, while I was dressing her, that she was going to the opera.

Did she return early or late from the opera that evening?—It seems to me that she returned early in the evening.

Upon her return did she go into her bed-room?

Mr DENNMAN objected to this as a leading question.

Upon her return, where did she go to?—She returned to her bed-room.

Were you in the bed-room yourself?—I was not there, but she rang for me.

On your arrival at the bed-room of the Princess, what did her Royal Highness do?—Her Royal Highness crossed the passage and entered the cabinet.

Do you know where Bergami was at that time?—I don't know.

After her Royal Highness had gone into the cabinet, what did she then do?—I do not know what she did, but she returned immediately to the bed-room where I was.

Did she say any thing to you? Did she give you any orders?—Her Royal Highness told me to forbid William Austin entering into her room, because she wished to be quiet.

Where did William Austin sleep that night?—In a small cabinet, where he remained all the time.

Was that cabinet adjoining the bed-room of the Princess?—It was near it; there was a door of communication.

Do you know whether that door was open or shut that night?—I saw it shut.

When that door was shut, was there

any communication between that cabinet and the passage of which you have spoken?—There was not.

What beds were there, at night, in the bed-room of the Princess?—How many?—There were two; a large one and a small one.

What was the small bed?—It was a travelling-bed for her Royal Highness.

Did her Royal Highness usually sleep in that bed?—Yes; she slept in it.

What preparations were made, that night, for her Royal Highness, relative to that bed?—I saw, in the evening that it was made.

Did you take any notice of the other bed? were there sheets on it, or not?—I saw, afterwards, that there were no sheets.

How long did you remain with her Royal Highness that night before she left the bed-room?—Some minutes; a very little time.

Did you make any observation on the conduct of her Royal Highness that night in the bed-room?—I thought she was extremely agitated.

What was your reason for remaining there only a few minutes?

Mr WILLIAMS submitted that the reason of the witness for not remaining with her Royal Highness could not be received as evidence.

The SOLICITOR-GENERAL contended that the question was perfectly admissible, because the answer might be, that the witness was desired to go out.

The witness, in answer to the question said, "I left the room after remaining a few minutes, because her Royal Highness sent me away immediately."

Had that been her usual practice?—It was not.

Do you know where Bergami slept that night?—I believe—

Mr BROUGHAM.—We have nothing to do with belief.

What time the next morning did you see her Royal Highness?—I don't remember precisely.

I don't ask you precisely, but as nearly as you can recollect?—Near, or about, 11 o'clock.

Was that later or about her usual time?—It was nearly her usual time.

When did you see Bergami that morning?—I had not seen him during the whole of the morning.

When was it that you first saw him that day, and where?—At dinner.

Did you take notice of the travelling-bed that morning?—Yes, I did.

What observation did you make?—I observed that nobody had slept in it.

Did you observe what appearance the larger bed had?—I did.

What observation did you make on the larger bed?—I observed that it had been occupied.

State more at length, or more particularly, what was its condition?—I cannot do that.

Was it much deranged?—Not much.

Did the witness, while in Naples, see Bergami in the same room with her Royal Highness?—I have seen him in the bedroom very often.

Who was it that assisted her Royal Highness in making her toilette?—I did.

Did the witness ever see any other person present while her Royal Highness was making her toilette?—Yes; Mr William Austin and Mr Bergami.

Was Bergami courier at that time?—He was.

About what age was Austin then?—About 13 years.

The witness has said that Bergami was present with her Royal Highness when at her toilette; how often—once, twice, or how?—Often, several times.

In what state of dress was her Royal Highness then? little dressed, or much dressed, or how?—Sometimes she was dressed, and sometimes not.

Can the witness tell whether Bergami came in for a moment and went out again, or continued in?—He entered; he went in and out.

Does the witness remember ever seeing Bergami in the passage of which she has made mention, at night?—I do remember.

Where was her Royal Highness then?—In her bed-room.

Was her Royal Highness dressed or undressed, or how?—Her Royal Highness was undressed.

Where was witness standing?—I was near her Royal Highness's bed.

Where was Bergami when the witness saw him?—I have seen Bergami come out of his room, and come through the passage.

In what direction was Bergami moving? towards the Princess's room, or how?—He was going towards the room of her Royal Highness.

What was the state of Bergami's dress when the witness saw him?—He was not dressed.

When the witness said he was not dressed, what did she mean? what had he on?—He was not dressed at all.—(A laugh.)

What was there on his feet?—Slippers.

Did the witness observe whether he had any stockings on?—I saw no stockings.

Had he any thing on but his shirt?—No more.

The witness has said that the Princess was undressed; had she got into bed or not?—She was not in bed.

When the witness saw Bergami in the manner she has described, what did witness do?—I ran away; I escaped by a little door near me out of the apartment of the Princess.

[This answer having excited some surprise or doubt, the question was read by Mr Gurney, and put again by the interpreter, when, precisely the same answer was given.]

The witness has stated the state of the small travelling-bed the first night after the Princess's arrival; what was its state the subsequent nights?—I made no observation with regard to it.

Will the witness tell the appearance of the large travelling-bed; whether two or one appeared to have slept in it?—More than one person appeared to have slept in it.

How was it on subsequent nights; as if one, or more than one had slept in it?—I have always seen it the same thing (*meme chose*) at Naples.

Does the witness remember a masked ball given by Murat to her Royal Highness?—I have; I do.

Where was the place?—In a house near thoesa.

Where did her Royal Highness dress

herself for the ball?—In a room of the house where the ball was.

At the same house?—It was.

What character did her Royal Highness first appear in?—In the character of a country girl in the neighbourhood of Naples.

Whose business was it to assist her Royal Highness in putting on the dress of that character?—Mine.

Did you go to that house?—I did.

Did Bergami go?—He also went.

When did Bergami go?—He went with me at the same time.

When her Royal Highness dressed herself in the character of a Neapolitan peasant, who assisted her?—Me.

How long did her Royal Highness remain in that character?—About an hour.

Did her Royal Highness return for the purpose of changing her dress?—Yes.

What dress did she take the second time?—That of the Genius of History.

Did her Royal Highness change her dress entirely for that purpose?—Yes.

Did witness assist in changing the dress?—No.

Who assisted in changing her Royal Highness's dress?

Mr WILLIAMS.—Does the witness know of her own knowledge?—Bergami went into the room with her Royal Highness; into the room where the toilette was.

Where did you go?—I stood in the ante-room.

Did you see Bergami go with her Royal Highness to the toilette?—I saw Bergami enter the room.

How long did Bergami remain?—I cannot remember precisely.

About how long?—About three quarters of an hour.

Did the Princess come out alone, or did any person come with her?—Bergami came out first, and her Royal Highness came out after.

How long before her Royal Highness did Bergami come out?—A very little time.

How long? 1, 2, 3, 4, or 5 minutes?—Two or three minutes.

Did her Royal Highness go to the ball in this character?—She went down stairs to go to the ball in the same character.

How long was she absent?—About three quarters of an hour.

At the end of that period did she come back again to the room?—She returned into the ante-room.

Will the witness describe the manner in which her Royal Highness was dressed in this character?—Her arms were bare, her breast bare, and the drapery was as is usual in the character.

Were the arms entirely bare, or how?—I did not observe whether they were completely naked.

[She had seen Bergami and the Princess walking on the terrace arm-in-arm. At the theatre of St Carlos they appeared, she in a red cloak, and he in a red domino, with a large hat. On going into the pit they were surrounded by a number of masks, who hissed violently. The dress of the Princess was monstrous.]

Was the door between your room and that of the Princess open or shut at night?—Shut.

Was it locked or only shut?—The Princess turned the key inside.

Was the bed-room of Bergami situated on the other side?—It was.

In the morning who let you into the Princess's room?—The Princess herself called me from her room.

Did you observe the bed of the Princess, whether it had been slept in or not?—More often (*plus souvent*) it had not been slept in.

Mr BROUGHAM complained that the witness spoke in so low a tone, and so rapidly, that it was impossible either to hear or to understand her.

What do you mean by *plus souvent*?—Ordinarily, generally, uncommon.

You said that after you were in your bed-room the Princess locked the door on the other side. I want to know whether after this you heard any noise as of a door opening?—I have sometimes heard a noise of a door opening toward the side of the Princess, but did not know if it were the door of her room.

Was there any other door that you recollect in that direction excepting the door of the Princess's room, or of Bergami's?—There was a third door, leading into the dressing-room of her Royal Highness.

Was that the room you described as being the room between the bed room of the Princess and that of Bergami?—The room was between the two rooms; there

was a third door, which was the room where her Royal Highness dressed herself.

After you heard the door open, did you hear any noise in the Princess's room during the remainder of the night, or was all quiet?—All was quiet.

[During the stay at Naples, the behaviour of the Princess to Bergami continued very familiar; he alone of all the servants entered her room without knocking. The Princess was accompanied to Rome by no English except Dr Holland and Lady Charlotte Lindsay. Lady Charlotte went away at Leghorn, and at Genoa they were joined by Mr Hounam. At Genoa the beds of the Princess and Bergami were only separated by a room containing luggage.]

Do you know Bergami's mother?—Yes.

How did they call her?—They called her Nonna.

The interpreter said that this was an Italian word signifying grandmother.

Did she continue to reside while the Princess was at Genoa?—Yes.

Was there a little child, the daughter of Bergami?—Yes.

What was her name, and how old was she?—She was called Victorine, and was about two or three years old.

[At the Villa Villani she observed Bergami one morning looking out of a window in the blue silk gown which the Princess usually wore.]

How long did Lady C. Campbell continue at Milan with her Royal Highness?—I believe near a month.

When Lady C. Campbell went away, was there any English lady left in the suite of the Princess?—No.

Did any other lady come into the situation of lady of honour?—Yes.

How soon after Lady C. Campbell had gone away?—Two days after.

Who was that person?—The Countess Oldi.

Before she came into the service of the Princess, had you any conversation with her Royal Highness on the subject, or did she say any thing to you on the subject?—She told me the Countess Oldi wished to come into her service as *dame d'honneur*, and her Royal Highness wished to take Countess Oldi into her service.

At the time you had this conversation, did the Princess tell you who Countess Oldi was?—She only told me that she was a noble lady.

Did you know what relation the Countess of Oldi was to Bergami?—She was the sister of Bergami.

How soon did you know that?—Two months after her arrival.

Did her Royal Highness give any other description of the Countess Oldi, but saying that she was *une dame noble*?—She only said that people said she was pretty handsome.

After this conversation did you see Madame Oldi when she came into the service?—I did.

Do you know whether she could speak French?—Not at all.

Could her Royal Highness speak Italian?—Very little.

Did you make any observation on the language of Countess Oldi so as to be able to know whether she was a woman of distinction?—I always observed that she spoke very vulgar Italian.

Did you ever see any of her writing?

Mr WILLIAMS objected: the question could not be put if any inference were to be drawn as to the style of Countess Oldi.

Mr BROUGHAM.—This is the first time a woman has been asked to criticise the style of another woman in a language which is not her own.

THE SOLICITOR-GENERAL.—Perhaps the answer may be, that she could not write. (“Go on, go on.”)

THE LORD CHANCELLOR.—You may ask whether she could read and write. (“Go on.”)

Did you make any observation on the manners of the Countess Oldi? in your judgment were they the manners of a lady of distinction or not? (“Cries of No, no,” interrupted the reply of the witness.)

Mr BROUGHAM.—We make no objection to the question: we beg that the opinion of this Swiss chambermaid on the manners of ladies of distinction may be put down and registered.

THE LORD CHANCELLOR.—Then, if there be no objection, why do you not go on?

Did you observe if the manners of the Countess Oldi were those of a gentlewoman, or not?

The interpreter said that he could not put this question, as there was no word for gentleman in the French language. (This observation occasioned much laughter.)

Did you make any observations on the manners of the Countess Oldi?—No.

Do you remember a gentleman of the name of William Burrell being with her Royal Highness at Milan?—I do.

How long did he remain with her?—Not very long, I do not remember precisely.

Can you tell about the time?—A month, more or less.

When Mr W. Burrell went away, did any other English gentleman come into the service of her Royal Highness?—No.

When did Dr Holland quit: at what place?—At Venice.

After Mr W. Burrell left the house of the Princess, did any alteration take place—did you observe any change in the house?—There was more freedom, more liberty in the house.

Tell us in particular what you allude to—what you observed?—They played in the saloon, her Royal Highness and the servants, every evening.

Can you tell us what game, and how?—Different games—different plays—different frolics.

Mention any?—Blind-man's Buff.

Did the Princess play?—She played sometimes.

[At the Villa Villani the bed-room of the Princess opened into a large and dark ante-room.]

Describe the situation of Bergami's room?—The sleeping-room of Bergami communicated with the same ante-room.

With the first room you have mentioned?—Yes.

Besides this, was there any other communication with Bergami's room and any other place?—Yes.

With what place?—With the sleeping-room of her Royal Highness.

What was there between her Royal Highness's bed-room and that of Bergami?—A small very narrow cabinet.

Did any body sleep in that cabinet?—I never saw any body.

When the door that opened on the dark ante-room was closed, could any body go

into Bergami's room except through the small cabinet?—I never saw any one.

Was there any other way to the bed-room of Bergami, when the door that opened on the dark ante-room was closed, except through the little cabinet?—I never saw any other way.

Who used to go with the Princess to her bed-room?—When I was with her in the sleeping-room, only Bergami accompanied her to it.

When Bergami had, as I have said, accompanied the Princess to her bed-room, did he remain there; or, when he went away, which way did he go?—He did not stop long; sometimes he passed through the rooms I have already described, and sometimes went out by the door of the little cabinet.

Did the Princess accompany you when you withdrew?—Often.

When you say she accompanied you, how far do you mean she went?—As far as to the last door.

Was any thing done by her Royal Highness with that door when you returned?—The Princess locked it with a key.

Do you remember the little Victorine during your first residence at Villa d'Este?—Yes.

How did she address the Princess?—She called her mamma.

Do you recollect whether it ever happened that she addressed the Princess in that manner before you went to the Villa d'Este?—I do not recollect.

[At Messina, the bed-rooms of Bergami and the Princess were separated by that of the Countess Oldi.]

What room was next to Bergami's?—My own room.

Did you assist the Princess to her bed?—Yes, I did sometimes.

To do so, had you to pass through Bergami's room?—Yes, I had.

Did you ever see him in bed?—Sometimes I did.

Did the Princess ever call you up in the morning?—Yes, sometimes, and sometimes Bergami did.

How did she come to call you?—Through Bergami's door.

Did she open that door?—Yes.

In what state was she as to dress when

she so came?—In the same cloak I have already described.

Was she in her night-dress?—Yes, she was.

Was Bergami then in his room?—Yes, sometimes he was, and sometimes he was not.

When Bergami opened his door at any time, did you see the door of the Princess's room open or shut?—I saw it, I think, generally open.

Have you made any remark about her expression to Bergami at any time?—Yes, I have.

What was it? what did you remark?—Sometimes she called him *Chevalier mon cœur*, sometimes her dear friend. That was what I remarked.

Did you see Bergami on board the *Clorinde*?—I did.

Do you recollect at any time during that voyage to have particularly seen Bergami in the Princess's cabin?—I do, I recollect once.

Where was the Princess at the time you saw Bergami in her cabin?—She was in her cabin also.

How was she situated there? was she sitting up or in bed?—In bed.

Was it in the day or in the night time?—It was in the day.

How was the Princess lying in the bed?—She had just laid down.

Where was Bergami?—He was on a bed in the cabin, near the Princess's.

How long was he there?—I think, as well as I recollect, he was there half an hour.

Was he sitting up or lying down in the bed?—I think lying down.

[At Syracuse, the bed-rooms of the parties communicated by a small stair-case, and Demont heard the Princess sometimes locking the door of the stair-case. At Catania, Bergami's bed-room was at first considerably distant from hers; but after an illness he was removed to that of the Countess Oldi, which was contiguous.]

Do you remember her, during this illness of Bergami, going to bed one night before you?—I do.

When was that?—The Princess went to bed before me, I recollect, one night, when I was at supper.

During the night that the Princess

went to bed while you were at supper, did you make any particular observation?—No: but I did in the morning.

What morning?—Either the following morning, or the morning after that.

What did you then see?—I saw the Princess come out of the Countess of Oldi's room, and enter her own bed-room.

At what hour in the morning was that?—I think about 10 o'clock.

Had the Princess any thing in her hand, or under her arm, at the time?—Yes, she had.

What?—The pillow or cushion which she always slept upon.

How was the Princess dressed?—She was not dressed then; she was in her night-dress, after being undressed.

At the time the Princess came out of the room, in the way you have described, with the pillow, did the Princess see you?—The Princess looked at me.

When the Princess looked at you, what observation did you make as to what she did? what did she do?—She fixed her eyes on me. She looked at me earnestly.

What did she then do?—She went on to her own room.

Did she say any thing?—No.

[At Catania, the Princess was painted as a Turkish woman, and also as a penitent Magdalen, with her breast open. This last picture Demont once saw in the possession of Bergami. He was also painted as a Turk, and the Princess assisted in arranging a turban for this picture. Demont afterwards saw it in a box belonging to the Princess.]

On the voyage to Tunis, in the Palace of the Bey there, and at Utica, the bed-rooms of the two parties were always near to each other, and with an easy communication.]

Can you say where Bergami slept at Utica?—I do not know.

Did you, in the morning, at Utica, before the Princess had left her bed-room, see Bergami?—Yes.

Was it before the Princess was up, or not?—Before she was up.

What did you see Bergami do?—Bergami passed through our room, and went into the room of the Princess.

How long did he remain there?—I do not remember

Did you afterwards go into the room?—I only went to the threshold of the door: the Princess asked me for something.

Did you see if the Princess was still in bed?—I saw that the Princess was still in bed.

Was Bergami still in the room?—Bergami was still in the room.

[From Tunis they went to St Jean d'Acre, and thence to Aun, on their way to Jerusalem.]

Did you sleep in any house at Aun, or did you encamp?—We slept in tents.

Did the Princess sleep in a tent?—Yes.

Was it a single or a double tent?—As far as I recollect, it was double.

Was there any bed under that tent?—There were two.

Did you attend to undress her Royal Highness?—Yes.

Where was Bergami?—He was lying on one of the beds.

Did you, at the time of which you speak, leave the Queen undressed or up?—I left her undressed, in the bed.

Was Bergami dressed, undressed, or partly undressed?—He was dressed, but he had no coat on.

Did you retire, on that occasion, at the usual time?—Yes.

Do you remember any day, during the time you were at Jerusalem, seeing Bergami in the room of her Royal Highness?—Yes.

Where was he? was it in the bed-room of her Royal Highness?—He entered the bed-room of her Royal Highness while I was there, and threw himself on the bed in a ludicrous or jesting way.

Was her Royal Highness in the room at the time?—Yes.

Did he remain on the bed?—Not long.

During the day-time, while you were at Jerusalem, did you see her Royal Highness and Bergami in the gallery you have described?—I sometimes saw them in the morning in the gallery.

Was Bergami there?—Yes.

What was he doing?—They spoke together.

Describe what you saw them doing, during the time you were at Jerusalem, in the gallery.—I recollect nothing but to see them talking together.

You have told us that Bergami slept

in the dining-room on board the vessel, and that her Royal Highness slept in the cabin till you arrived at Jaffa: where did she sleep afterwards?—On the deck.

Was there a tent there?—Yes.

What was in the tent?—Two small beds.

Did her Royal Highness sleep in one of those beds?—Yes.

Did you assist in undressing her?—No.

Who did?—I do not know.

Did any body sleep in the other bed?—M. Bergami.

Did that continue during the whole voyage from Jaffa to Italy?—Yes.

Do you recollect her Royal Highness bathing on board?—Yes.

Did she bathe more than once?—I only recollect once.

Who attended her?—Bergami.

Did they both come up together afterwards, or did Bergami come up first?—Bergami came to call me on the deck to go and dress her Royal Highness.

At the time you were so called by Bergami to dress her Royal Highness, how long had they been together?—Nearly three quarters of an hour.

Who assisted in getting the water for the bath?—I saw Theodore Majocchi at the door with a pail of water in his hand.

[After returning to Italy, they went to the Villa d'Este, where the household contained the mother of P. Bergami, his sister Faustine, and his brother Lewis.]

You have told us before that the mother of Bergami was called "Nonna;" how was she called after your return to the Villa d'Este?—She was called Donna Livia.

Do you remember the theatre at the Villa d'Este?—Yes.

Did you ever see Lewis Bergami act any thing on that theatre?—Yes.

Did you ever see him play any thing on that theatre with her Royal Highness?—Yes, he danced, dressed like Harlequin, and her Royal Highness dressed like Columbine.—(I laugh.)

Do you remember a black silk cravat worn by Bergami?—Generally he wore in the morning a black silk cravat.

Do you remember seeing that cravat any where else?—Yes, in her Royal Highness's room.

Was that once, twice, or several times?

—Several times.

Do you remember the slippers of Bergami?—I saw them once.

What kind were they?—White slippers.

Did you observe them any where else?

—Yes, sometimes in her Royal Highness's room.

A Peer.—What room?—Her Royal

Highness's bed-room.

[At Villa Barona, where Bergami had a villa and estate, they spent two months, during which the two rooms were separated only by a cabinet. Here balls were given, attended by people of low condition. Witness mentioned something of an indecent story told by Bergami of what had passed at one of these balls; but as she declined entering into particulars, the whole was struck out of the minutes.]

On the road to Germany, Bergami went forward to his trunk for passports, and did not return that night.]

Do you recollect the room her Royal Highness slept in, and what arrangements were made on this occasion?—Yes.

Who went to bed in the same chamber with her Royal Highness?—Myself.

At what time did you go to bed?—It was nearly ten o'clock.

What time did her Royal Highness go to bed?—At the same time.

In the same room?—Yes.

Did Bergami return from Inspruck that night?—Yes.

As far as you recollect, how long after you had gone to bed?—I don't recollect precisely, because I had already fallen asleep.

Did you sleep in the same bed, or in another bed?—No, there was a small bed laid on the floor for me.

After Bergami returned, did her Royal Highness give you any orders what to do?—Her Royal Highness told me I might take up my bed and go.

Did you see Bergami before those orders were given?—Yes, Mr Bergami came in at the same time that the orders were given.

Where? in the room of her Royal Highness?—Yes.

Did you, in consequence of the orders,

go away for the night?—I left the room at the same moment.

When you left the room, had you left Bergami there, or was he gone?—I cannot exactly say whether Bergami was in the room, but I believe he was.

[At Carlsruhe, the witness observed Bergami with his arm round the Princess, and her head resting on his breast. They then went to Vienna, by Trieste into Italy, and by different stages to Rome. At Villa Caprini, near Rome, the following incident took place.]

Had her Royal Highness a small cabinet below?—Yes.

Was there any sofa in that cabinet?—Yes.

Did you ever see Bergami on that sofa?—Yes.

Have you ever seen him there when the Princess was?—Yes.

How was he? Was he sitting on the sofa?—He was lying down on the sofa.

Where was her Royal Highness then? What was she doing?—She was sitting on the edge of the sofa.

What was she doing? In what position was she?—I do not recollect what she was doing; she was sitting on the side or edge of the sofa.

Did you ever see her Royal Highness in pantaloons?—Yes, at Pesaro.

Was Bergami present at that time?—I saw him once.

Tell us what he said, or if he said any thing, or what passed between them?—Bergami said, "Your Royal Highness looks better so."

Tell us the phrase he made use of, as far as you recollect?—Bergami turned round, looking at her Royal Highness, and said, "O, how pretty you are! I like you much better so."

At the time when her Royal Highness resided at Naples, had she any chaplain as a part of her suite?—Prayers were said at her house every Sunday.

Was it so at Villa Villani, Villa d'Este, and at the Barona?—No.

Did you ever see it so after you left Naples?—Yes.

Until what time?—Till we were at Genoa.

Was it ever so at all after you quitted Genoa?—Never after



At the time you were first at the Villa d'E te, was her Royal Highness visited by the nobility in the neighbourhood?—Sometimes.

How was it at Villa Villani, before you went to Villa d'Este?—They visited her sometimes.

Did her Royal Highness ever say any thing to you about the Cassino, at Milan?—Yes.

What did she say?—She said it had been put to the vote whether she should be admitted at (or into) the Cassino, at Milan.

Any thing further?—She said it had been negatived.

*Cross-examined*—Since you have been in England have you always gone by the same name of Louisa Demont?—No, I had another name.

If it be not giving you too much trouble, will you be so good as to tell me your other name?—I took the name of the place I come from, Colombia.

Did you also take a title, that of Countess?—No.

Were you never called Countess?—I was once so called.

By once do you mean one time?—I mean one time.

By once do you also mean by only one person?—I only recollect one person to have called me Countess.

Did that person call you so only once, or frequently?—I only heard it once.

Where were you living when that person so addressed you?—In Frith-street.

Do you mean in Frith-street, Soho-square?—Yes.

Before that time had you lived in Oxford-street?—Yes.

How long did you live there?—About three months, as far as I can recollect. I do not know exactly.

While you lived there, did nobody call you Countess?—I do not recollect that any body called me so there.

Will you swear that you were not called Countess Colombia in the house in Oxford-street?—I will not swear that; but I do not recollect it.

Will you swear that you did not pass in the house by the title of the Countess?—I cannot tell what Mr Cross, who placed me in the house, called me; I do not know by what title he announced me.

Will you swear that while living in the house in Oxford-street you were not called by the title of Countess, not behind your back, but in your presence?—I will not swear, but I do not recollect.

Was it not something new to you to be called Countess?—I do not remember being so called in Oxford-street. I remember being called Countess in Frith-street.

I wish to ask you<sup>d</sup> hither, when you lived in Oxford-street, you did not answer to the title of Countess?—I do not recollect.

Will you swear you did not?—I will not swear; but I do not recollect.

Was it a matter of no singularity to you the being called Countess?—(Here there was a loud cry of "Order! order!" by some Peers.)

Where did you sleep yourself at Naples?—In a little apartment above that of her Royal Highness.

Did you sleep alone in that room?—We had two rooms; in one I slept, and Annette Thiersson in the other.

During the time you remained in the house did you sleep alone in that room?—Yes.

And this you will now swear?—Yes, that I slept every night in my room alone.

The whole night?—Yes.

Alone?—Yes.

Every night, and the whole of the night, alone?—Yes, I slept alone.

If I recollect right, you said you one night saw Bergami coming out of his room in a state of undress while you resided at Naples?—Yes.

How soon after your arrival at Naples was this?—It is impossible for me to say.

You need not be particular as to a night or two?—I cannot say precisely.

I do not desire you to say precisely; say within a few nights, as near as you can?—We were four months at Naples, and I cannot recollect precisely.

I do not ask you precisely, but to tell me within a week, more or less?—I cannot recollect. We were four months at Naples.

Was it during the first month?—I cannot recollect.

Was it during the second or the third month?—I again say I cannot recollect, it is so long since the circumstance took place.

Was it towards the beginning or the end of your residence at Naples?—I do not recollect.

Then you have no memory at all as to whether it happened at the beginning, the middle, or the end of your residence at Naples? you have no notion of the time?—I do not recollect at what period it happened.

[She acknowledged that when she made her escape from the Princess's room, she took a few steps towards Bergami. At the court ball at Naples, she did not go into the room where the company was, and could not say whether there were any others dressed in the same style as the Princess. When the Princess went to sleep in the tent at Aun, she merely threw off an open gown, which she wore on the journey.]

Did you quit the Princess's service of your own accord, or were you discharged?—I was discharged.

Were you not discharged for saying something which you afterwards admitted to be false?—Yes; in fact it was not true.

I believe you were applied to for evidence, by some person or other, very soon after you were discharged from the service of the Princess?—Not very soon.

I don't know what you call soon: I say within half a year?—Not so soon as six months. I had been out of her service nearly one year. It was nearly one year since I left her service.

You say that you were applied to, as I understood, to know what you had to say with respect to the Princess? Is not that so?—One year after I had left her service.

Now, do you mean to represent that an application was not made to you much earlier than a year after you were discharged from the Princess's service?—No.

Is it, or is it not, true that an application was made to you within half a year of your quitting that service?—No application was made to me earlier than one year after I quitted the service.

Will you swear it?—Yes.

Neither by means of a letter, by personal application, or otherwise, in any manner?—No. As I know what it is about, may I be allowed to explain the matter?

Mr WILLIAMS.—First of all, as I submit to your Lordships, the witness must give an answer to my question, and then she may explain, if necessary.

The Earl of LAUDERDALE directed the question to be read, which being done, he observed that it had been answered.

The witness then proceeded to give her explanation, which some of their Lordships did not think necessary to be interpreted.

Mr WILLIAMS begged that it might be interpreted and taken down.

Mr BROUGHAM, to the interpreter.—Do you understand it?—Yes.

Then translate it, and let it be taken down.

The Interpreter.—The witness says, that, six months after she left the Princess, she wrote to her sister to say that an application had been made to her, but that communication was a *double entendre* between her and her sister.

Have you never said that the Princess was surrounded with spies when she was in Italy?—I don't recollect having said it.

Did witness ever say it or represent it in any manner?—I do not recollect.

Will you swear you have not?—I will not swear; but I don't recollect.

Have you a short memory—a treacherous memory?—Not very short, but it is so long since the thing happened, that I have forgotten.

Do you know Baron Ompteda?—Yes, I have known him.

You have seen him?—I have seen him.

Have you spoken with him?—Not often.

You have spoken with him?—Once, at Villa Villani.

When he was on a visit with the Princess, I dare say?—When he was staying at the Villa Villani with the Princess, I believe.

Was he often there?—I recollect only having seen him that once for some days.

Was there not a complaint made by the Princess relative to the conduct of Baron Ompteda?—Yes, there was.

On which of those occasions was it?—As far as I can recollect, it was when Baron Ompteda was at Villa Villani.

Was the complaint about locks, or false keys?—I remember that the Princess

made a complaint, but I do not recollect respecting what.

Why, you yourself say that you took a considerable share in the business of the complaint?—I took none.

Why, did you not write a challenge?—*(Laughter)*

THE SOLICITOR-GENERAL.—Have you any paper to produce?

MR WILLIAMS.—I am not bound to produce one.

Did you, or did you not, write a letter for Mr Hounam?—I do not remember that I wrote a letter for Mr Hounam, or any body.

For Mr Hounam?—I don't recollect.

Did he not desire you to write a letter for him to Baron Ompteda?—I recollect nothing about it.

Is that your writing? (exhibiting a letter to the witness, which was afterwards handed to the interpreter) Did you write it?—It is not exactly like my writing.

Do you believe it to be your writing or not?—It is not exactly like my handwriting.

Do you believe it to be your handwriting?—I do not recollect having written it, nor do I think it is exactly like my character.

Do you believe it to be your writing, or no?—I do not think it is exactly my handwriting. I don't recollect having written it.

THE LORD CHANCELLOR.—It will afterwards be a question, with a view to its admissibility as evidence, whether only a part or the whole should have been shewn to her. Interpreter, tell her that she is not asked whether she knows it to be her handwriting, but whether she believes it to be so.

The interpreter having obeyed this instruction, the witness answered—

I cannot say that it is mine; and I cannot say positively that it is not my handwriting; but I do not think, I do not believe it is.

When I held the paper before you, was it near enough for you to see the writing?—I do not know whether it was near enough. I have seen the writing, but not distinguished what the writing was.

I ask you this, was it not, when in my hand, near enough for you to see the

writing, and the character of the writing?—I have merely half seen the character.

Do you now see distinctly the line and a half before you?—Yes.

Do you see it?—Yes, I do.

Do you see it distinctly?—Yes.

Is it your handwriting? It does not seem exactly my writing.

Do you believe it to be so, or not?—I cannot tell whether it is my writing, because I do not know exactly the hand which I do write. *(A laugh)*

The question was repeated and the witness answered, I cannot say whether it is my writing, because it is not exactly as I write.

Was it not in the month of November 1817 that you quitted the service of the Princess?—Yes.

Of course, at that time, you knew all respecting the Queen which you have deposed to for two days back?—(No answer was returned.)

Did you not at that time know all that you have been deposing to here?—Yes.

Since the time you have quitted, or were discharged from, the service of the Princess, have you never described the character of the Princess as very excellent?—I do not recollect. *(Je ne me rappelle pas.)*

Will you swear that you never said to your sister, you would give half your life, if she could read your heart, you would give half your life for her?—I may have said that, but I do not recollect. *(Je ne me rappelle pas.)*

Do you not recollect having said or represented, that the Queen, if she could read your heart, would be convinced of the infinite respect, the unlimited attachment, and the perfect affection, you entertained for her?

(This question was read by Mr Gurney, and put by the interpreter in detached portions.)

I recollect to have written several times to my sister, but I do not recollect the contents.

That is not an answer; did you never write to your sister to that effect, without pledging yourself to the precise words?—I have written to my sister.

Will you swear that you never wrote to your sister to that effect?—I wrote once on a journey to Count Schiavani.

The question I put is, did you write to your sister to the effect I have mentioned?—I wrote several times to my sister.

Did you never write to your sister to the effect I have described, since you were discharged?—I have written several times to my sister, and I know I have spoken of her Royal Highness, but I do not recollect the expressions.

Did you write to the same effect or sense?—It was in the same sense.

You wrote in the same meaning?—Yes, the same meaning.

The expressions I have used may have been those you wrote?—If I have written expressions for that.

No, to that effect?

The LORD CHANCELLOR.—Words of the same sense?—Yes.

Will you swear that you did not use the words, “O God, if she could but read my heart?”—I may have used the expressions, but at that time I was much attached to her Royal Highness.

It was some time after you were discharged?—It was not very long.

Have you not written, that in the circles in which you had been you spoke of her great qualities, her rare talents, her mildness, patience, charities, and, in short, all the perfections she possessed in so eminent a degree?—I do not recollect (*Je ne me rappelle pas*) the use of those expressions, I spoke of the manner in which she conducted herself towards me.

Have you not used the very expressions which the interpreter has this moment put to you?—*Je ne me rappelle pas*—I do not recollect the expressions, but I wrote in the same sense.

You will not swear that you did not use the very expressions?—I will not swear that I made use of the expressions, or that I did not make use of them.

You swear that you used words in that sense?—Yes.

Did you write words to this effect:—How often have I seen my hearers affected, and heard them say that the world was unjust to cause so much unhappiness to one who deserved it so little?—*Je ne me rappelle pas*—I don’t recollect to have used the expressions.

And these words—“and one who is worthy of being happy?”—*Je ne me rappelle pas*—I do not remember the expressions.

Did you use expressions to that effect?—I have written to my sister several times to that effect—to that sense.

Will you swear that you did not use the very words?—I cannot recollect whether I used the words exactly.

You will not swear that you have not used them?—No, not that I have, but I have used words of that sense.

You kept a Journal?—For what.

You kept a Journal generally?—Yes.

While you were in the service of the Princess?—Yes.

Did you write, “You cannot think what noise my little Journal has made?”—I wrote several times to my sister, but I cannot recollect what.

Did you use the words the interpreter has stated, or words to that effect?—*Je ne me rappelle pas*.

Will you swear that you did not use the words?—I will not swear I did not.

Did you write, “It (the Journal) has been snatched, if I may use the expression, *arrache*?”—*Je ne me rappelle pas*—I cannot recollect exactly the expression to my sister.

Did you write, “Every one reads it; Madame Paulizzi asked to take it to Lausanne for some English there who wished to see it immediately.” Did you use these expressions to your sister?—I tell you it is impossible for me to recollect what I have written to my sister.

Did you write to that effect?—*Je ne puis pas me rappeler*—I cannot recollect.

Will you swear that you did not write to that effect in the journal?—I cannot swear to that of which I am not sure.

Who is Madame Paulizzi?—A Swiss lady.

You know her?—Yes.

Did you shew the journal to her?—I do not recollect whether it was before or after my return.

I did not ask you that. Has she seen it?—She has seen it, but I cannot recollect whether it was before or after I returned.

Did you write, “I have been delighted at it,” meaning so many seen, the

Journal, "for you know I say in it a great deal of the best and most amiable Princess in the world."

The interpreter, in putting this question, used the word *maitresse* (mistress) for Princess.

Mr BROUGHAM.—The word *maitresse* is not the translation. No reason has been assigned why the word Princess should not be used.

Mr WILLIAMS read further as expressions used by the witness in writing to her sister of the Journal she had written—"I say in it a great deal of the best and most amiable Princess in the world; all the traits of sensibility and generosity she has shewn, the manner in which she has been received, applauded, and cherished, in all the places where we have visited." Did you write to that effect?—I told you that I wrote very often to my sister, and spoke of her Royal Highness.

Ay, and to that effect?—*Je ne me rappelle pas*—I do not recollect whether I wrote in the sense of the last expressions.

Will you swear that you did not write to that effect?—I will not swear that I did not use the expressions, because I do not recollect.

Again, "You know when the Princess is the subject I am not barren, consequently my journals at Venice are full of the effusions of my heart; my great desire always was that the Princess should really appear what she is, and that full justice should be rendered to her" Did you use these words?—*Je ne me rappelle pas*.

Did you use words to that effect?—Always the same thing, I have written frequently to my sister a great deal about the Princess, as I was much attached to her at that time, but I do not recollect the expressions.

Will you swear that you have not used the expressions?—I will not swear, because I am not sure.

The Earl of LIVERPOOL.—Read the whole of that question and answer.

Mr GURLEY read the question—Did you write to your sister—"You know when the Princess is the subject I am not barren, consequently my journals at Venice are full of the effusions of my heart. my great desire always was that the Prin-

cess should really appear what she is, and that full justice should be rendered to her?"—The answer of the witness—"Always the same thing; I have written frequently to my sister a great deal about the Princess, as I was much attached to her at that time, but I do not recollect the expressions. I will not swear I have not used the expressions, because I am not sure of it."

Mr WILLIAMS proceeded.

Will you swear you have not used the expressions?—I will not swear, because I am not sure of it.

Have you any doubt of using these words?—*Je ne me rappelle pas*. I wrote frequently to my sister. I do not recollect the expressions.

Have you not represented that your money began to fall short?—I know nothing of that, but I never wanted money.

Have you not represented to your sister that you were getting short of money—that you were getting poor?—I do not know whether I said it, but that never happened to me.

Have you never represented to your sister that she should economise as much as possible?—Yes. And I trench every superfluity?—I did represent that she ought to economise, as she had no fortune at home.

Did you write to your sister—"Did you know the regret I feel at not having done so?"—I don't recollect whether I wrote so, but I never wanted money.

Did you write—"I do not think I was guilty of extravagance, but I have not deprived myself of many things which were almost useless?"—How do you wish me to recollect what I have written?

Mr WILLIAMS.—Well, when you mentioned before a *double entendre* which you had used, was it not to the effect I am going to mention—"I have almost forgotten to confide to you what will surprise you as much as it has surprised me; on the 21<sup>th</sup> of last month I was taking some refreshment at Aunt Claire's, when I was told that there was an unknown person who had a letter for me, and that he would intrust it to no one else. I went down stairs and desired him to come up to my room. Judge of my

astonishment when I broke the seal and found a proposal made to me to go to London, on pretence of being a governess. I was promised high protection and a brilliant fortune in a short time. The letter was without signature, but to assure me of its truth I was informed I might draw on my banker for as much money as I wished?"

[The ATTORNEY-GENERAL here objected to the examination of a witness upon the contents of a letter which was not produced. After much discussion and repeated reference to the Judges, it was decided, that the letters must be read, either now, or afterwards. After some deliberation, the Queen's Counsel determined to read them immediately. The first from Demont to her sister Mariette contained all the passages alluded to in the cross-examination. The second, addressed to the Queen herself, was as follows:—]

"It is on my knees that I write to my generous benefactress, beseeching her to pardon my boldness, but I cannot resist my feelings. Besides, I am convinced that if her Royal Highness knew the frightful state into which I am plunged, she would not be offended at my temerity. My spirits cannot support my misfortune; I am overwhelmed by it, and I am more than persuaded I shall sink under it. I feel a fearful weakness; a mortal inquietude consumes me internally, and I do not feel one moment of tranquillity. A crowd of reflections 'on the past goodness of her Royal Highness,' and 'on my apparent ingratitude,' overwhelm me. May her Royal Highness deign to take pity on me, may she deign to restore me her precious favour, which I have unhappily lost by the most deadly imprudence; may I receive that soft assurance before I die of grief, she alone can restore me to life.

"I dare again to conjure, to supplicate the clemency and compassion of her Royal Highness, that she will grant me extreme favour of destroying those two fatal letters; to know that they are in the hands of her Royal Highness, and that they will constantly bear testimony against my past conduct, kills me. The aversion which I have merited on the part of her Royal Highness, instead of

diminishing, would be increased by reading them.

"I permit myself to assure her Royal Highness, that it is only the granting of these two favours which can preserve my life, and restore to me that repose which I have lost. My fault, it is true, is very great and irreparable, but love is blind. How many faults has he not caused even to the greatest men to commit! I dare flatter myself this is a strong reason why her Royal Highness should condescend to grant me the two favours which I take the liberty of asking of her.

"I allow myself to recommend to the favour and protection of her Royal Highness my sister Mariette, and also her who is in Switzerland. Her Royal Highness gave me to understand that, perhaps, she might be allowed to supply my place. The hope of this alleviated my distress. It would be an act of charity, for my sisters have only moderate fortunes, and in our small poor country they are not to be acquired. I am certain her Royal Highness would have no cause to repent her great goodness and extreme kindness towards a young girl who has always gained the esteem and friendship of all to whom she has been personally known.

"I cannot sufficiently thank her Royal Highness and the Baron for their kindness in sending Ferdinand to accompany me, he has paid me all the attention and taken all the care of me imaginable; I know not how to acknowledge so many benefits; but I will endeavour by my future conduct to merit them, and to regain the favourable opinion which her Royal Highness entertained for me during the days of my good fortune.

"It is with sentiments of the most entire submission, and the most perfect devotion, that I have the honour to be, her Royal Highness's most obedient servant,  
"LOUISA DE MONT"

"Do you not, in the letter, state, that while you were taking some refreshment at your aunt Clara's, a person unknown desired to deliver a letter to you?—I have already said the letter was a *double entendre* between me and my sister.

Is it true, or not, that a person unknown desired to deliver you a letter?—If I may have permission, I will explain every thing respecting that letter

First of all, is it true or false that a person did deliver you a letter? Answer that question.—I once received a letter without any signature.

Was that letter delivered by an unknown person, when you were at your aunt Clara's?—I do not recollect perfectly whether it was at my aunt Clara's, but it was delivered to me at Colombie.

Did that unknown person deliver it to you, whether at your aunt Clara's or not?—I do not recollect where the letter was given to me.

I say again, did any unknown person deliver to you a letter?—I received a letter at Colombie, but I do not know who delivered it.

Was that the letter now read?—I don't recollect.

Is that the letter alluded to in the letter now read?—It was a letter without a signature, but it did not contain what was now read.

Then it is not true that when you were taking refreshment at your aunt Clara's you received a letter, proposing to you to go to London, and so on?—I do not recollect whether I received it at my aunt Clara's.

Did you receive such a letter at all?—I received a letter like that, but not exactly that which you have read.

Did the letter contain any proposal to you to go to London as a governess?—I wish to explain that letter, I wish you would permit me to do so.

I wish to answer the question—Did you or did you not receive a letter proposing to you to go London? Answer me that, and explain then as long as you like.

—I received a letter proposing to me to go to London, and saying that I would be received as a governess, if I should be provided with letters of recommendation.

THE LORD-CHANCELLOR.—Did you wish to add any thing?

I wish to explain why I wrote the letter to my sister, if you would have the goodness to hear me.—(*Hear, hear.*)

No objection was made to this request.

Witness continued.—I wish to go back to the time when I was dismissed from her Royal Highness's service. The same evening that I was dismissed by her Royal Highness, and was to start the following morning, Mr Bergami came to my room

He said her Royal Highness wished to dismiss my sister also, on account of my conduct. I was very sorry on account of my sister, for she had no fortune at home, and could not live at home. I begged Mr Bergami would speak to the Princess to keep my sister. He promised to do so, and at the same time he advised me to write a letter to her Royal Highness, because she was so much offended against me, and to recommend my sister to ask her pardon. I wrote the letter at Pesaro the following morning, when I parted with my sister. He recommended me, when I wrote, not to write any thing to prejudice my sister. I promised, on the contrary, to do all in my power to enable her to keep her place. I also wrote a letter to the Princess at Rimini. I wrote several times to my sister, and always spoke much in favour of her Royal Highness, because I knew they would be intercepted. About the same time that I wrote the letter, I formed the idea of quitting Switzerland and coming to England. At the time I received information, if I got letters of recommendation I might be placed here as governess. At the same time I was afraid her Royal Highness might dismiss my sister, and it was therefore that I wrote to her: I did. I dared not write freely, for fear of my letter being seen, and I wrote only, that if she should be dismissed I would find means of placing her here and paying her journey. At the same time, I knew that since I left the Princess she was afraid I should speak against her. I knew the Princess would read my letter, and I wished to convince her Royal Highness I would say nothing against her, even if I came to England. In several private conversations, although many questions were put to me, I avoided saying what took place at the house. These are my reasons for writing that letter to my sister.

When you left this place last night—I don't ask you where you went, I am sure—who accompanied you?—A lady, one of my friends.

Do you mean to represent that no one else saw you since you were examined here last night?—I have seen the people of the house, and the person sent to fetch me. I don't know his name.

Were you not some time in a place near

the place where you now are, before you went home?—I went directly home.

The Interpreter.—The word used (*directement*) is equivocal; it may mean that she did not go out of the direct way home.

Did you not stop in some other place?—I went directly home.

The Interpreter.—There is the same ambiguity still.

Witness.—I went directly home without waiting.

I want to know, not whether you went straight home without going to another place, but whether, before you went home, you stayed anywhere?

The LORD-CHANCELLOR.—Before you began to go home?—I remained a moment in a room above.

You say you remained a moment—how long?—I don't recollect exactly.

Do you mean to represent it was not above a moment?—No answer.

Will you swear it was not half an hour?—I do not swear it, I may have remained half an hour.

An hour?—I cannot swear the time.

What did you mean by saying a moment? did you mean only a short time?—I meant it was not a long time.

Will you give us some notion of the time? Will you swear you did not remain there two hours?—I cannot swear the time, because I do not recollect the time.

In that letter, what place do you mean by the capital of Europe?—I can't recollect to mind what I meant, because I was accustomed to write in a double sense, and it is so long since I wrote that letter that I can't recollect.

Having heard that letter read in French and in English, don't you know what you meant by the capital of Europe?—It is impossible for me at such a distance of time to recollect what I meant by all the words. By the capital of Europe I meant Lausanne or Colombier.

Were you in the habit of calling Colombier the capital of Europe?—I was often in the habit of calling it a capital in writing to my sister or friends; not that I considered that the capital of Europe, but because I was in the habit of writing in a double sense.

You mention in this letter a sister besides Mariette?—Yes.

I hardly need ask if you are much attached to that sister?—I was always much attached to her.

And that sister you wished to go into the service of her Royal Highness?—I wished to place her in the service of the Princess, because she wished to travel, and had often spoken to me to place her out.

Re-examined.—You told us yesterday that you were dismissed from the service of her Royal Highness for saying something that was not true. state the circumstances of your dismissal?—I was dismissed from the service of the Princess because she had been told that Mr Sacchi had been told that the Princess was in love with him, and that I had told him so. This proceeded from a letter which I wrote to Mr Sacchi, and which was taken up at the post, and because I said in the end of it that the Princess loved (*aimoit*) Mr Sacchi. I did not mean love, but that the Princess liked him as well as other persons of the house—in the same manner as other persons of the house. After this letter I was dismissed, because the Princess thought I meant love, but it was not literally love that I intended.

Did you on any occasion state that the Princess was in love with Sacchi?—No.

Then was the charge made against you true or false?—It was not true.

You said Bergami was present when the Princess produced your letter that had been taken from the post, tell us what Bergami said about it during that interview?—Respecting the letter, he said it was true that I had said the Princess was in love with M. Sacchi. I proposed to the Princess to write to M. Sacchi to have the truth, and M. Bergami opposed it. M. Bergami accused me of having passed the night with M. Sacchi. I said my sister was present, and might declare that I had slept with her.

I wish that passage of the letter to be turned to, in which the witness speaks of the bitterness with which the Princess's enemies pursued her, and of her being surrounded by spies. What did you mean by writing that passage?—It is so long since, that I cannot recollect.



Was the statement in that passage true, or not?—I knew that thousands of people had informed themselves in Switzerland about the affairs of the Princess.

Do you mean now to say that she was surrounded by spies and informers?—The Princess told me so, often.

But this letter was written from Colombier?—I know nothing myself; I said only what had been told me by the Princess.

Am I to understand that the circumstance stated was true, or otherwise?—I had received such a letter, but what I wrote concerning it was a *double entendre* for my sister.

Do you mean to say that you added what was false to what was true?—I added something.

Was that something false?—It was not added for the purpose of falsehood, but that my sister might understand me, because I was afraid to write freely.

Marquis of BUCKINGHAM.—Had you any reason to believe that the Princess was surrounded by informers or spies?—I never saw any body near her whom I thought to be a spy.

Did, in point of fact, any person write to you promising you a brilliant fortune if you would come to England?—I received a letter in Switzerland promising me a place if I would come.

But did it promise you a brilliant fortune in a short time?—No; that was not in the letter. I intended it only as an allusion to my sister.

Then it is not true that any such offer was made to you?—None such exactly.

By the Earl of DERRY.—Did you write in this mysterious manner to your sister in consequence of any clue which you had given her, or of any understanding that subsisted between you?—Yes, there was an understanding.

Marquis of LANSDOWN.—Having stated that you agreed with your sister upon a particular mark to facilitate and conceal your correspondence, can you point out any such mark in the letter which has been read?—(The letter was handed to the witness.)

Lord RUSSELL said that it might be necessary to refer the witness to the evidence she had already given regarding the mark.

The witness here begged leave to retire, and was absent for about ten minutes. On her returning her testimony regarding the private mark in her letters was read over to her. The Marquis of LANSDOWN put the following questions upon it.—

Did you ever receive a letter from your sister, containing the mark on which you had agreed for your future correspondence?—I only received one letter from my sister, and I do not recollect whether there was any such mark upon it—the letter I mentioned before, which had been taken up at the post.

If you had not received from your sister the mark agreed upon, why did you conceive that your sister would be enabled to comprehend the double meaning contained in the letter shewn to you without that or any mark agreed upon between you?—We had not agreed upon that mark as far as I can recollect, for this reason—my sister told me when she wrote to me she would put a mark at the foot of her letter.

That is not an answer to my question.—I believed my sister would understand me, but I do not recollect for what reason I believed so. It is so long since this occurred that it is impossible I can recollect.

Lord Viscount FAIRMOUNT.—I wish to know whether you were sincere in your praises of the Princess at the time you wrote that letter with the *double entendre*: whether you mean that the whole letter was a *double entendre*, or only passages in it?—There were only some passages of the letter, because when I wrote it I was extremely attached to her Royal Highness, and I was willing to speak of the extreme kindness with which she treated me.

La fei GARDINI,

[A mason, was sent for to the Villa d'Este, to make a cornice.]

When you went to Villa d'Este, did you inquire for Gaugari?—I did.

Did you go any where to look for him?—Yes.

Did you go up stairs?—Yes.

When you went up stairs, were you in a large room?—I went into a room, but it was not a great room.

How long did you wait there for him? or did you find him there?—I opened a

door—I saw a great many doors—I was rather out of humour, because I had lost a great deal of money by having so many men unemployed—and I opened a door and shut it again.

When you opened a door, whom did you see?—I saw the Baron and the Princess, who were both seated.

Whom do you mean by the Baron?—Bergami.

How were the Princess and the Baron sitting?—They were sitting together, and the Baron had his arm across her neck.

How was the Princess dressed as to her bosom?—It was uncovered from here (drawing his hand across his breast.)

Can you describe in what position the Princess was?—She was sitting.

Was there any person in the room besides the Princess and the Baron?—I saw no other person.

When you opened the door, what did the Baron do?—He took away his arm, and said, “What do you want here, you dog?”

What did you say to the Baron?—I told him, you must excuse me, Signor Baron, for I am here to look for Gaugiani.

Did the Baron make any reply to you?—He told me that that room was not to be entered, that it was not a place for maçons to work in.

The LORD-CHANCELLOR.—Ask him how far he did see her Royal Highness's breast uncovered?—I did not stay to look, I saw it, and made my escape, I saw it in the twinkling of an eye.—(A laugh.)

The Duke of HAMILTON.—How was the Princess dressed at the time?—I cannot say; I saw what I saw, and was surprised at.

I wish to know whether Bergami's hand was round her Royal Highness's neck, or behind her neck?—I am the Princess, and you (the interpreter) are the Baron (*much laughter*). The witness here passed his hand round the interpreter's neck.

Does the witness say that Bergami had his hand round the Princess's neck?—I have repeated it many times, I have even shewn it.

A Peer complained of the great impropriety and indecency of the witness's conduct in making such motions, and then

laughing, as on this occasion; and said it ought not to pass unnoticed.

The Earl of LIVERPOOL said, that whatever impressions might have been made on the minds of Noble Lords, the conduct did not seem to require further notice.

The LORD CHANCELLOR said, he did not think this sort of thing excusable.

Cross-examined.—[Saw Colonel Browne and Vilmarcati at Milan, and agreed to take ten *lira* a-day for his expenses.]

ALEXANDRO FINETTI,

[An ornamental painter, was employed by Bergami for two years in the Villa d'Este, and afterwards at Rome. Saw, on several occasions, him and the Princess embrace and kiss each other.]

DOMINICO BRUZO,

[Was employed as a mason at the Villa d'Este, and the Barona. Saw Bergami and the Princess often walking arm in arm, and sailing together. He once saw them across two rooms, the doors of which were open.]

What were they doing when you saw them?—They were caressing each other with their hands.

Was the Princess sitting or standing?—She was standing.

Was Bergami sitting or standing?—Both were standing.

In what way were they caressing each other?—They caressed each other with their hands. (The witness illustrated his answer by stroking down the cheeks of the interpreter in a whimsical manner.)

ANTONIO BIANCHI,

[An inhabitant of Como, saw Bergami and the Princess bathing in a canal leading to the Brescia. The Princess was dressed in white, with loose trowsers.]

• GIOVANNI LUCINI,

[A white-washer near Como, saw the two parties in a carriage called a *piedo-vanella*, she sitting on his knees, with his arm under hers.]

Cross-examined.—Did you ever say at Milan that you knew nothing about this business, but that you should like a trip to London?—I was examined at Milan.

By FEAR GRIFF.—Is not a *piedo-vanella*

a carriage commonly made use of in that part of Italy?—It is.

How many seats are there in it?—But one seat.

Can two persons sit side by side in it?—No, they cannot.

By Lord ELLENBOROUGH—Have you often seen two persons riding in that manner?—Yes.

CARLO CARATTI,

[A confectioner, had seen the parties constantly together at the Villa d'Este.]

What have you ever seen them doing to each other?—I have often seen them walking amongst themselves, walking together.

How did they walk?—They walked as if they were true friends, as if they were husband and wife, or something like that.

Did you see them together at Caprini?—I did.

Did you see them do any thing?—I have seen them going to walk a thousand times.

Did the Princess keep a bird then?—Yes, a nightingale.

Did you ever carry food to the nightingale?—Yes, I did.

Do you recollect seeing the Princess and Bergami together on that occasion?—Yes.

What did you observe them to be doing?—They were kissing each other.

Did you hear the Princess say any thing to Bergami?—She said, "Do not remain ~~alone~~ out, *mon cœur*."

Did you know which was Bergami's room at Caprini?—Yes.

Did you ever see him at the window, or hear him call her?—Yes, very often.

At such times did you ever see the Princess also?—Yes, in Bergami's room.

FRANCESCO GASSINO.

[A mason, employed at the Villa d'Este.]

Do you recollect when the Princess of Wales returned from the voyage to Greece?—Yes.

Was any alteration then made about Bergami's bed-room?—Yes, I was employed to make one.

What alteration was it?—I opened a door on it, one which had been before walled up, which I had stopped myself.

Do you know whether the bed-room of her Royal Highness was changed about the same time?—Yes; it was changed about two days after the door in Bergami's room was re-opened.

Did this door open a communication to the new bed-room of her Royal Highness?—It did, there was a room between them, which led from one to the other.

GIUSEPPE RASSETTI.

[Was superintendent of the stables at the Villa d'Este. Saw the Princess repeatedly sitting on Bergami's knee in the *paddock*. On the road from Petro to Caprini, he went near the carriage to inquire the road, when he saw the two parties in a highly improper posture. He was ashamed, and turned away.]

Do you remember the little Victorine at Villa d'Este?—I do.

How, or by what name, did she call the Princess?—Mamma *maia*.

Does the witness recollect any conversation between her Royal Highness and the little Victorine at Villa d'Este?—Her Royal Highness caressed her always like her own child, and called her *ma chère fille*.

Were you ever at Bologna?—I have (been).

Did you ever see the wife of Bergami there?—I have, but it was at a time when the Princess was not there.

Did you ever see her when the Princess was there?—She was there once whilst her Majesty was arriving, and they all escaped, they all went away.

*Cross-examined*—When were you dismissed from the service of the Princess?—Towards the end of December, 1847.

Ask him, was he not dismissed for stealing the corn?—No.

Was not that the charge on which he was dismissed?—No.

Then what were you dismissed for?—Because I gave leave to two of her (the Princess's) men, to go to an inn or tavern, and, on their return, the Baron and Bernardo, his cousin, and some others, went to stop these men, and when they came to complain to me of it, I said that I never knew that masters should turn "*thorn*," thief-takers—impeders.

(The House appeared to be dissatisfied with this interpretation. The interpreter explained, that "*sbirri*," implied a very low kind of constable in Italy.)

Why were you turned away, I ask?—The day after, Luigi came to me with the money which was due to me for my two or three months salary, and he told me, that "as I was an honest man, I ought not to be among the *sbirri* any longer"—(*Much laughter*), and therefore I took my salary and went away.

And you went?—Yes.

Was he never charged, when in the service of the Princess of Wales, with stealing the horse-provender?—Never.

I don't mean charged before a magistrate, but was he not charged by some one in the family, or in the service of the Princess?—No, never.

You swear to that, as well as to all the rest of your evidence?—I do.

You never said, then, I should think, to any body, that you had been dismissed upon a charge of stealing corn?—I have not, because I never told a lie.

So; does he mean to say that he never told a lie, or that he never told one without being well paid for it?—(*Order, order*.)

Did not the witness become one of the most active agents of the Milan commission?

The Solicitor-General objected that this was a question which could not be put, because it was not known that there were any agents of the commission of that description which the learned gentleman assumed. He had no right, therefore, to say, "the most active agents."

MR. DICKMAN.—(To the interpreter.)—"Oh, never mind, don't put the question—Did he not become a very active agent there?"

(An objection was here taken to the mode in which the interpreter put this question; he observed, that he had not said, "most active," as was imputed to him; but, "one of the most active.")

Ans.—I was not an active agent. They gave me orders only as a courier, which is my profession; and as a courier I have done.

Then you have been employed as a courier by that commission?—Yes, sometimes, whenever they had need of me.

Has the witness had any other means of getting his bread since he has left the Princess of Wales's service?—Yes; for I am besides being a pensioner of my government by trade a coachmaker.

Who recommended witness to the commission? does he know?—Nobody recommended me, but, when I spoke to the advocate, he told me that I was only to tell the truth, and then I should do.

What are you to have for coming?—They have promised me nothing.

What do you expect to have?—Nothing; they have promised me nothing; I have nothing to expect.

Do you mean us to infer that you expect nothing?—Yes.

Who are the persons whom you came over with?—Some I know, some I do not know, those I know, I know because we came together, but I never saw them before.

I beg to know who they are whom you do know?—There were various; I knew them by sight, at first, but I know them not, I have no acquaintance, I mean, no intimacy, with them.

I only ask then names?—Some I know, and can say; others I don't know.

I don't want him (witness) to tell me any thing that he does not know. I want the names of those whom he does know?—There were Reganti, Marchi, Carlo Gione, Enrico Ragazzoni, Enrico Baji, and the wife of Majetti.

Ask the witness whether he never sought Diacom; he knows the man I mean?—I have been some times looking after him and seeking for him, for we are friends—but not on this business, so he has come some times and looked after me.

Then he never offered Diacom any money to come forward as a witness?—I have not.

Did witness never say to any one that he would give him money for his testimony?—I have not.

Does he know Colonel Vassali?—I know Vassali—the Count Vassali—but not the Colonel.

Did you see him some short time after you left the Princess's service?—I did.

Did you have any conversation with him respecting the cause of your dismissal?—I had.

Did you not tell him any thing about

the charge of stealing corn?—I did not say so; I only said that I had been discharged, and I told him in what manner, by the *shirri*.

That is all you told him about your discharge?—That is what I said. If I said something more, it is what I cannot remember at present.

GIUSEPPE EGATTI,

[A waiter at the Crown Inn, half way between Como and Milan, where the parties spent a day.]

Did you see any thing at dinner?—Yes; they paid compliments to each other. I observed they offered delicate morsels to each other.

What did they say?—They spoke in French.

What did they do?—The Baron offered something from his plate to the Princess, and she in return offered something from hers to him; they were offering delicate morsels to each other.

Did you leave Bergami alone with the Princess after dinner?—Yes, I did.

Did the company quit the room at the time you speak of?—They had gone out.

What did you see particularly pass between them when they were together?—I went to enter the room and clear the table where the company had dined, and I saw the Baron holding his arm on the shoulder of the Princess. At that moment, as I was going into the room, I saw the Baron give the Princess a kiss. But I did not go in, for they immediately told me to go away.

In what way was the arms of the Baron placed?—The Baron was on the right, and the Princess on the left of him, and he had his left arm upon her shoulder.

GIUSEPPE DEL ORTO,

[A baker at the Villa d'Este, saw the parties after their return from the Fisi.]

Did you see her on any occasion sitting in the garden?—I did.

Was she alone, or was any person with her?—Baron Bergami was with her.

Was he sitting at the same time?—He was.

Did he do any thing?—He was doing something.

What was he doing?—He had his arm

round the neck of the Princess; he was making love to her, and kissed her. (The witness put his arm round the interpreter, and offered to kiss him—(Laughter.)

Before he put his arm round her neck, had he got up from his seat?—Yes.

When he got up, did the Princess do any thing to him, or to the breast of his coat?—She took him by the flap of his coat, and made him sit down again.

Was it after that the arm was put round the neck?—It was.

Have you ever seen the Princess in the kitchen?—Yes.

Was Bergami there at the same time?—Yes.

Was there any *polenta* there?—Yes.

Did Bergami do any thing with the *polenta*?—He took a little.

What did he do with it?—He went to the Princess, who told him something in French, and then Bergami, with a spoon, put half the *polenta* into the Princess's mouth, and half into his own.

Did you some days after this see the Princess in the pantry at Villa d'Este?—Yes.

Was Bergami there at that time?—Yes.

Did Bergami do any thing, or the Princess?—They were both together.

What did Bergami do?—He took a piece of sweet-meat, and put it into the mouth of the Princess.

GIUSEPPE GOURGIARDI,

[Boatman on the Lake of Como, carried the Princess and Bergami wherever they went.]

Did you observe any thing pass between the Princess and Bergami on these occasions?—I have seen her kiss him.

More than once?—About four times.

Did you ever see any thing else on those occasions besides kissing?—Not in the boat.

At any other place have you seen any thing between the Princess and Bergami?—I saw them while in the pantry, they were taking themselves away from the table, and they went into the room, and locked themselves into it.

What room do you mean?—The bedroom of the Princess. There was the room where they lived; and here, on the other side, this was the room of the

Princess, into which they went and locked themselves.

*Cross-examined.*—Did you ever tell any body that Vilmarcati had offered you money for what you had to say?—No; because he told me to go to Milan, where all my expenses would be paid.

Have you not told other persons that Vilmarcati had offered you money for your information?—No.

Did you ever say that you had been promised money by Vilmarcati?—Never.

Did you ever say that any other person had promised you money?—No.

GIUSEPPE SACCHI,

[A courier in the service of the Princess, was sent by Bergami to Milan with a letter to the Governor, with orders to bring back an answer that night.]

When you returned, where did you go?—I dismounted from my horse and went into the kitchen, where I saw the footman; I asked him where Bergami was, and he told me.

In consequence of the answer he gave you, where did you go?—I mounted up stairs to Bergami's ante-room.

What did you do on going into the ante-room?—I found Bergami's servant asleep, and I went towards his bedroom. Finding the door open, I went into the room. I saw the bed tumbled, but nobody was there.

What did you then do?—I then went away; and as I was going I heard a noise on the opposite side, and at the same time heard somebody say, "Who's there?" I thought it was Bergami, and I answered that I was the courier from Milan. Bergami then came to me, and told me there was no such necessity for delivering the answer.

Can you say where Bergami came from at the time you have spoken of?—No; I did not see, because it was dark.

Where did the door of Bergami's room lead to?—It led into two rooms.

Who slept in those rooms?—No one.

Do you know where the Princess slept?—No.

Do you know where the Princess's bedroom was?—No.

Did you go before the Princess to Turin?—I went before her, for the last post.

When you arrived at the inn, did you make any arrangement respecting the rooms of the Princess and her suite?—Yes; I made the distribution with the innkeeper: for her Royal Highness the best apartment, and others near it for the *dame d'honneur* and the *femme de chambre*; for the gentlemen we allotted other apartments, separate from the rest.

Did that arrangement continue, or was it altered after the Princess arrived?—No; on the arrival of the Princess and Bergami, I shewed them the distribution I had made, but it did not meet the approbation either of the Princess or Bergami, and the apartments I had chosen for the gentlemen were allotted to her Royal Highness, the *dame d'honneur*, Bergami, and the *femme de chambre*.

How near was the room of Bergami to that of the Princess after the alteration was made?—Between the room of her Royal Highness and that of Bergami was the room of the *dame d'honneur*.

[The witness was present at the balls at the Barona, which were chiefly frequented by persons of low condition. Many improprieties took place, which the Princess saw, without expressing any censure. She spoke to him, also, in a very improper manner, about the girls who attended these balls. In travelling from Rome to Senegaglia, Sacchi repeatedly rode up to the carriage, and drew aside the curtains. Two or three times he saw the Princess and Bergami sleeping in postures strongly indicative of guilt. One day, when they had rode before him, he, on his arrival, inquired for them, and was pointed to a room where they were.]

Did you go to that room?—I went, and, knocking at the door, inquired whether I could enter. Bergami answered I could come in, as I did. After I entered, I saw the Princess and Bergami on the bed; but I must observe they were decently dressed, and at a distance from one another.

How were they seated on the bed?—They were lying on the bed as far as the middle, and their backs were leaning or resting against the wall.

[At Carlsruhe, the arrangement of the bed-rooms was changed in the same manner as at Turin, and generally those of the

two parties were as near as possible to each other. ]

Do you remember any time at Villa Grande, when the rest of the family were in bed, seeing Bergami any where?—I remember one night, after midnight, while it was insufferably hot, I was at the window of my room, and as I heard a noise on the side of the room of Bergami, I withdrew a little. I saw Bergami come out of his room and go to the door that led to the apartment of her Royal Highness. He opened the door, entered, and I saw him no more.

How long did you remain at your window after you saw Bergami enter?—About an hour.

On any other night did you see Bergami?—A few days after I saw the same thing.

At what time was it you saw Bergami the second time?—About the same time as the first.

Did you upon the second occasion see Bergami return to his room?—I did not.

*Cross-examined*.—How long have you been in this country?—About 14 months.

Where have you lived all that time?—Sometimes in London, and sometimes in the country.

Is your name Sacchi, or Sacchi?—Sacchi.

Were you never called Sacchi?—Yes, I was called Sacchi at Milan.

But is it true that you have also been called Milano in this country?—Yes, it is true.

Is it true that you have always gone by that name here?—It is.

How much, in point of fact, did you receive during the first six months that you acted in the capacity of courier?—Whilst in her Royal Highness's service I received money at three several times, amounting in the whole to 60 or 70 Napoleons.

How much did you receive as courier only?—I do not remember.

How long did you continue in the situation of courier during the year that you were in the Princess's service?—About nine months.

Who hired you?—I entered her Royal Highness's service through the good offices of M. Chiviana, a banker, the Baron Caroletti, and Bergami.

Do you mean to say, that at that time you were in easy circumstances?—I was always, thank God, in easy circumstances.

Do you mean to say that you were as well dressed then as you are now?—Yes. I was always.

Always: well, but you know you were called Count Milano when you were introduced to M. Marietti, don't you?—No, I do not know it.

Do you mean to swear that you don't know whether you were so called or not, on your introduction to M. Marietti?—I am sworn to tell the truth, and the truth alone, and I swear that I was not introduced under the name of Count Milano.

Will you swear that you were not called Count Milano in the presence of M. Marietti in London?—I am sure that I never heard myself called "Count" in the presence of M. Marietti.

Do you mean also to swear that you were never called "Count" at Aston, in the presence of Mr Godfrey?—I am sure that I never heard myself so called at Aston.

Will you swear that you were not introduced to M. Marietti as a merchant?—Never.

That you never stated to him that you had come to this country for commercial purposes?—Never.

How did you represent yourself?—I always said that I came here in the service of a Spanish family.

Is it true that you came over in the service of a Spanish family?—No, it is not true.

Did you ever say to M. Marietti, or to any other person, that the Princess of Wales owed you money?—I have said that I had a law-suit with her Royal Highness, but never that she owed me money.

Was it true or not that you had a law-suit with her Royal Highness?—I meant to say that I was engaged in the process which was making against her Royal Highness.

Do you mean to say that you told M. Marietti, that you were one of the witnesses in the prosecution against the Princess?—No.

Was it then a *double entendre* that you meant when you told M. Marietti that

you had a law-suit with her Royal Highness?—I never said any thing to M. Marietti on the subject.

To whomsoever, then, you told this story of a law-suit, did you tell it as a *double entendre*?—I did.

Did you ever make application to be taken back into the service of her Royal Highness?—*Non mi ricordo.*

Did you ever represent to any one, after you had left the service of her Royal Highness, that you were in a destitute condition?—Never.

Did you ever entreat any person of her Royal Highness's household to have compassion on your miserable situation; I mean after you had left her Royal Highness?—I have never been in a miserable situation. (*A laugh*)

Will you swear that you never entreated any one of the suite of her Royal Highness to take pity or to have compassion on you after you had left her service?—(The witness) On what account to have compassion on me?

That, sir, is a question, and not an answer. I must have an answer to this question; will you swear that you never entreated any of the Princess's suite, after you had quitted her service, to take compassion upon you?—It may be that I have.

Did you ever represent to any person, after you had left her Royal Highness's service, that you taxed yourself with ingratitude towards a most generous mistress?

[Here the Attorney-General interposed, insisting that these questions evidently referred to some writing of the witness. Mr Brougham replied, that there was nothing in the question to shew whether it referred to written or spoken declarations. The Judges being referred to, gave it as their opinion, that the question might be put, but in that case the opposite counsel might ask if the sentiments had been reduced to writing; and then the writing must be produced. After a great deal of discussion, Mr Brougham said, that rather than lose time, he would withdraw the question.

On a re-examination by the Attorney-General, the witness shewed a character, written by Schiavini (who was called Marshal of the Palace) and sealed with the Princess's seal, but as it could not be

proved that this was done with her authority, the paper was not read.]

Did you ever say to any person that your conduct to the Princess was liable to a charge of ingratitude with respect to a generous benefactress?—Never.

Is that your hand writing?—(A paper was shewn to the witness.)—Yes.

And that?—(Another paper)—You need not read the whole of it.—It is my writing.

Did you ever go by any other names than Sacchi and Milan?—I have been called by another name; I am still called by another.

What is that other name?—I beg as a favour from the honourable house that I may not answer, because, if I should tell that name by which I go, I should be exposed to the fury of those who have ill intentions against me. I beg, at all events, the house to interpose its authority that the name may not be inserted in the public papers.

Mr Brougham, after such an intimation, would not ask the name.

Did you not fetch Mademoiselle De Mont from Lausanne to Milan?—Yes.

Did you take her back?—No.

But you went to prevail on her to go to Milan?—(Only to ask her if she wished to go—would go or not.

Who employed you to fetch her—to get her?—I was desired by the commission which was at Milan.

When Mademoiselle De Mont went away with you to Milan, did you tell any one that she was gone back, or going back, to the service of the Princess?—Never.

How much money did you get from the Milan commission for your trouble while you were at Milan?—I have received no other sum except for the expence of my journey to Lausanne and back, and for the other journey which I took to Charnitz and back.

Do you mean to swear that you have received no promise of any sum from the Milan commission for your trouble?—I can swear never to have received any promise.

Do you mean to swear that you have never received a promise of recompense from any person for your trouble in this business?—I can swear never to have received any promise.



Have you ever said to any one that you had received any thing, or any promise of any money or advantage?—I have never said to any person that I had received any money or advantage. I may have said that I had received the expence of my journey.

Do you expect to receive nothing more than those expences for your trouble in this business?—I hope that my time will be paid for.

Have you ever seen Mademoiselle De Mont since she came to this country?—Many times.

Earl GREY.—Have you ever gone by the name of Milani before you came to England?—I took that name in Paris, four or five days before I set out for England.

When did you set out for England?—In July of the last year.

Be so good as to say what was your motive for taking that name at that time in Paris?—After I knew that I was known in London by my own name, I tried to shelter myself against any thing which might happen to me.

What tumult had happened at that time which induced you to take that name?—I was warned that the witnesses against the Queen might have run some risk if they had been known.

Having stated that at Paris you changed your name to Milani, in consequence of the tumult which took place, what did you mean by that statement?—While I was at Paris, a gentleman came, accompanied by the courier Crouse; and this gentleman (it was the first time I saw him, and I have seen him no more) told me that it would be necessary for me to change my name, because it would be too dangerous to come to England under my own name, as I had told him I was known in London under my name.

The Earl of DARTINGTON.—What was the reason of your being discharged from the service of the Princess?—There was a difference which I had with the confectioner.

Who was the person who discharged you?—Schiavini sent for me in the morning, and said that he had received orders from the Princess to set me at liberty, to discharge me.

By the Earl of LAUDERDALE.—I wish

to know, if, after the Princess made that speech to you in the court, you saw her Royal Highness at similar balls with those women?—*Non mi ricordo.*

Did the Princess of Wales say nothing more?—Not on that occasion.

Did you see those *virgins* at any ball at which the Princess was present, subsequent to that period?—I cannot say what *virginales* she was speaking of. I thought she was speaking in a general way.

Have you seen her at any balls subsequent to that period?—There were balls.

Were they attended by the same sort of company?—Nearly the same persons.

By Lord CAITHNES.—I wish to know whether you asked to see the Princess after Schiavini gave you your discharge?—I asked to see the Princess after I had received my certificate, the evening before I went away.

Did you see her Royal Highness after you received that certificate?—No.

Did you see her Royal Highness after you understood that you were to quit her service?—I did.

What passed on that occasion?—Her Royal Highness told me that she gave me my discharge, in order to set an example to the other servants, that there should not be quarrels in the house.

Did her Royal Highness state what the cause of those quarrels was?—She told me because I had that quarrel with the confectioner, and she did not wish that such quarrels should happen in the house.

Did she state any other cause of dissatisfaction to you?—She did not.

Did you make any reply to her Royal Highness on that occasion?—I said to her Royal Highness that I did not believe that to be a fault sufficiently great for me to be discharged.

Mr Robert Phaer, a cashier in the banking-house of Coutts and Co. being called, the certificate given by the Queen to the witness, Sacchi, was put into his hands. He deposed that he had been thirteen years in the employ of Coutts and Co. and was acquainted with the hand-writing of the Princess of Wales, from having paid drafts signed by her. The certificate was of her writing.

The certificate given to Giuseppe Sacchi, a native of Como, dated Pesaro, 5th November 1817, was then read by the in-

interpreter in Italian, and afterwards in English. It gave the witness "a most excellent character for assiduity, zeal, and fidelity," and stated that he was only discharged from motives of economy, and for the sake of retaining older servants. It was signed "Caroline P."

*Renewed cross-examination of THEODORE MAJOCCHI by MR BROUGHAM.*—Do you know Julius Cæsar Cavazzi?—I never heard of that name.

Do you know a person named Cavazzi?—Yes; an Italian. I have heard of a person of the name of Cavazzi at Milan: there are two; one is a jeweller, and has a shop in one of the suburbs of Milan; I believe he lives there, but I never was in his shop; he is a fat man.

The Cavazzi I am speaking of is a person who lives in Greville-street, Hatton-garden, or who did lately live there?—I remember that this Cavazzi told me that he was a relation of the Cavazzi at Milan; for when I came here I met him, and he told me that he was so.

Well, then, it is this one, and not the other, who you said before was the only one you had ever heard of?—I have known him only a few days in London.

Did not you and this London Cavazzi dine with each other last winter, for eight or ten days together?—Not for eight or ten days, because I was not here eight or ten days.

But did you not dine once or twice together?—What I can say is, that I dined twice with him, and ate rice.

Did you not shew Cavazzi another letter, which you told him you had received from somebody here to carry abroad?—What I remember is, that I was shewing him the dispatch I was to carry.

Was it not a dispatch which you were to carry to Lord Stewart?—It was.

Did you not also shew him a number of Napoleons, which you said you had received at the same time with the letter?—Yes; they were the Napoleons for my journey; I counted them there.

How many did you shew him?—I believe eighty.

Will you swear that you did not shew him 150?—I cannot swear how many; what I remember is, I counted eighty; but I cannot swear.

Did you not tell him that the persons who had given you the Napoleons had given you more than you asked to pay your expenses?—I cannot say so: I asked only for money to pay my journey.

Will you swear that you did not tell Cavazzi that they had given you more than you asked?—I cannot swear any such thing, because I asked only the expenses of my voyage; and he could not say so.

Will you swear that you did not tell him, that whatever you asked for, you got more than you asked?—I cannot swear that I asked for more, nor can he swear that I asked for more, than my expenses. I have sworn to this already, and I cannot say any thing else if I should be asked a hundred times.

Will you swear that you did not say that you had got more than you asked?—I never said I had got more than my expenses.

Do you know Joseph Bizzetti?—I do not know that name.

I mean a person who lives in Liquorpond-street?—Liquorpond-street? *Non mi ricordo*: I do not remember. I came here in a sack, and I went away in a trunk, (*laughter*) and I do not know English.

But when you forgot every thing about Cavazzi, you recollected him as soon as I told you the street in which he lived?—I remembered him, because I recollected the name of Cavazzi, but not because I was told of the garden.

You must try to recollect Bizzetti, too, before we part. Do you remember two Italians who dined with you at the same place where Cavazzi also dined with you?—There were many Italians who came there and dined and ate rice.

Do you not know an Italian who accompanied you up and down London, to shew you your way, and explain things to you?—I remember a person who served as a guide.

What was his name?—I never asked what name he went by.

Do you not know that he was a cabinet-maker?—I was told that he was such; that he was a joiner.

Do you recollect going with him, either on the day or the day after the late king's

funeral, to the west end of the town?—He carried me about, and brought me here and there, and told me that this place is such a place, and that place is such another place, but I did not know where we went, and whether this was this, and that was that.

Did you go with that young man \*, any particular house?—I remember we came into some street, where some gentlemen lived whom I don't know, and to whose house I was to carry a letter. His servant told me that he was not at home, because he had gone out to see the ceremony of the funeral of the king.

On that, or on the other day, or either of them, did you go with that young man, and to find any person in a very large house?—How am I to know whether it was a large or small (house)? I did not make the observation, I cannot say whether it was large or small.

Did you, upon any of those occasions when you were so accompanied by the *laquais de place*, go into any large house where there was a sentinel standing at the door?—That was on the first day of my arrival in England, when I was told that that was the house where was the court of the King; for I had three or four letters.

Did you ever go to that house again?—Yes; I went and returned through a door to and from the house.

Do you mean several times to and from this house?—I do.

Did you go into the house and leave your *laquais de place* at the gate or door the while?—The first time I left him out at the door.

Did you not leave him at that door, at the other times also, when he accompanied you to this house?—What I remember is, that while I was in the house with some one, I have left the *laquais de place* at the door.

Do you mean to say, that, at the other times you were there, your *laquais de place* was not at the door?—Whether he came in, or not, I cannot tell; I left him there, and I don't think he stopped, where he went afterwards, I cannot tell.

Did you find him waiting there for you when you came out of the house upon this occasion?—I have not mentioned the place; what I remember is, that I

found him waiting for me when I came out.

Upon any one of those occasions did you come out with a gentleman whom you had found in the great house?—Yes, I did.

Did you go from thence, with that gentleman, to his chambers?—No.

Did you not go with him somewhere?—With that gentleman I went nowhere.

Who was this gentleman whom you came out with?—What I remember is, that he was a Mr Powell.

Will you swear that you did not go with Mr Powell, when you came out, to his chambers in Lincoln's-inn?—With Mr Powell I did not go.

Did not you, then, at that time make an appointment to go at six o'clock to Mr Powell's chambers?—I did.

Did you not go that evening, according to that appointment?—I did.

Now, as to the great house, I understand you to say that you went several times afterwards,—frequently, in short, to it, with your *laquais de place*?—Yes.

Did you not on one of those occasions go from Mr Powell's to that great house, with a note?—I did.

Did you go in on that occasion to the house, and leave your *laquais de place* outside at the door?—I believe I have left him out of doors, but I cannot be sure of it.

Now, this great house, was it Carlton-house?—The name of Carlton I have not heard, it was said to be the palace of the King.

Were there any pillars before the door?—I know that the people enter by a small door, and as soon as they get in, there is another door before them.

Did you see any pillars about the house?—I have seen some ancient Grecian columns, they were inside.

After you enter through the outer gate, is there a court between the house and the street?—There is a court between the house and the street.

Have you had any conversation with Mr Powell about your expenses, and the payment of them, in the presence of your *laquais de place*?—*Questo non mi ricordo.*

Did Mr Powell say to you, in the presence of this *laquais de place*, that money

was no object, and that you might have more if you wanted it?—No.

Will you swear that? that he did not say, “money was no object?”—I will swear that Mr Powell never said so.

Will you also swear that he never, in the presence of that *laquais de place*, said any thing to that purpose or effect?—No; Mr Powell never talked about this purpose, nor held such discourse.

Do you mean to represent that you never had any conversation with Mr Powell upon the subject of the Queen?—(The witness) How, what do you mean? I don’t understand what you say?

The interpreter—My Lords, if I am to use the word “conversation,” I shall never make myself understood.

Mr BROUGHAM Then pray use another word, sir, “discourse,” if you please. Put the question again in this way.—Do you mean to say that Mr Powell has never spoken to you on the subject of the Queen?—Mr Powell spoke to me upon this business at Milan, when I made my deposition; but after that, we have never spoken together any more upon the subject.

*Re-examined*—For what purpose were those Napoleons given you before you went to Vienna?—To pay the expenses of my journey.

Were you to account for those Napoleons?—*Si, Signor*

Did you account for those Napoleons?—Yes, I gave an account of the expenses of my journey.

Whom did you see at the great house, on the occasion you have before spoken of?—I saw a footman, and a German, who talked to me in German.

Whom did you see at any other time (as you say you were there several times) at the great house?—I saw a large big man, rather a handsome man, who did not understand French or Italian, but who spoke with me by signs.

For what purpose did you go to that house?—The first time I went to carry a packet; and then I said I must have a receipt for the packet, for I could not give it without taking a receipt.

Did you bring that packet with you when you came over to England with Mr Hyatt?—I did.

I ask the witness to say, as well as he recollects, how many times he has called at that house?—What I can remember is, that I have been there three times.

As he has told us for what he went there the first time, ask him whether he recollects for what purpose he went the second time?—The second time I went to see whether there was any answer to the packet for which I had asked a receipt, and a third time, because they told me to call again for an answer.

## II.—EVIDENCE FOR THE DEFENCE.

### HOUSE OF LORDS, OCT. 5.—24.

**JAMES LEMANN,**

[Clerk to Mr Vizard, the Queen's Solicitor, was sent to Baden to solicit the attendance of Baron Dente, Chamberlain to the Grand Duke, as a witness. The Baron at first consulted his minutes and gave his deposition.]

Do you know whether the Grand Duke was then at Baden?—Yes, he was.

Was the Baron willing to come to this country at the time when you took his deposition on the 20th?—Yes, he was.

Did he, when you saw him afterwards, state any reason to you why he could not come?—Yes, he said he cou'd not come without the consent of the Grand Duke.

After he returned from the Grand Duke, at Carlsruhe, did he make any statement to you?—Yes, he did; he told me on the 23d, that he had seen the Grand Duke on that morning, and that he had refused him permission to come.

Did the Chamberlain state any other reason?—No. I remember him saying he enjoyed an estate in Hanover under his Majesty, but that should not prevent his coming over, because he was satisfied his Majesty would not think ill of him for coming.

Did you make any other application to him?—Yes; I wrote to him requesting he would make a deposition before the local authorities on the spot.

What answer did he return?—He said he could not do so without the consent of the Grand Duke.

**COLONEL ANTHONY BULLER St LEGER,**  
[Had been the Queen's Chamberlain for eleven years, from 1809 downwards, but on her Majesty going abroad in 1814, his state of health did not allow him to go farther than Brunswick. On her return, he waited on her and resigned his office, still on account of health.]

**EARL OF GUILDFORD,**

Does your lordship recollect having seen her Majesty the Queen at Naples?—I recollect coming to Naples after the Queen had arrived there.

At what time was that, does your lordship recollect?—I think it was in the beginning of March, 1815.

When your lordship arrived at Naples, who formed the suite of her Majesty?—I think there were Lady Charlotte Forbes, Sir William Gell, the Hon. Kerpell Craven, and Dr Holland. These were all, to the best of my recollection.

Does your lordship recollect a person of the name of Bergami being there?—Yes, I recollect seeing that person.

In what situation was he then, does your lordship recollect?—As far as I understood, I think he was called a courier.

[Lord Guildford dined with the Queen at Naples, with a large party of English and foreigners. He saw her again at Rome, and spent several days in her house at Civita Vecchia. She had then living with her Madame Falconet, wife to an opulent banker at Naples, with her two daughters.]

Where did your lordship and Lady C. Lindsay disembark?—At Leghorn.

When did your lordship see her Majesty after that period?—A long interval elapsed before I saw the Queen again. The next time I met her was, I think, in November, 1815, at the Villa d'Este, her house near the Lake of Como.

Was your lordship then accompanied by Lady Charlotte Lindsay?—No, I was not.

Where was Lady Charlotte then?—She was in England.

Your lordship has said that you then saw the Queen at the Villa d'Este?—Yes, I first saw her Majesty on the lake.

Did you dine at the Villa then?—Yes, I did.

Was Bergami then at her Majesty's table?—He was.

Did your lordship ever before see him sit at table with her Majesty?—Never, I think.

Did your lordship stay longer than that day at the Villa d'Este?—No, I went away the same evening.

Where did your lordship go?—I slept that night in the little town of Como, and went on the next day to Milan.

Did your lordship see the Queen afterwards?—Yes, I saw the Queen on the Saturday or the Sunday following at Milan, where I dined with her by an invitation which I received when I was at the Villa d'Este.

Was it your lordship's intention when you went to the Villa d'Este to have paid a longer visit?—I had no intention of staying longer; I had made no particular arrangement.

From that time have you had any opportunity of seeing the Queen?—No, I have not.

*Cross-examined.*—Did it happen to your lordship to see, while at Naples, at Rome, or at Civita Vecchia, whether Bergami waited upon the company at table?—I cannot recollect at Naples whether he did or not, but I think he did at Civita Vecchia.

When you visited at the Villa d'Este, what ladies were in attendance?—There was an Italian lady, whose name I understood to be the Countess Oldi.

Had your lordship any opportunity of conversing with that lady?—Yes, I conversed with her.

From your lordship's knowledge of the Italian, did she speak what is termed the Patois, or pure Italian?—I thought she spoke very good Italian, with rather the accent of Lombardy.

Had you ever any conversation with your sister Lady Charlotte Lindsay on the subject of her remaining in attendance on her Royal Highness?—Yes, I recollect to have had some correspondence with her on the subject.

Did you recommend to Lady Charlotte Lindsay the propriety of resigning the situation which she held about the person of her Royal Highness?—I did advise her to resign it.

What were the considerations which induced you to give that advice?

Mr BROUGHAM here desired to remind their Lordships, that this was a question addressed to points on which he had been restrained from entering.

The LORD CHANCELLOR agreed with the Learned Counsel, that the examination was taking an irregular course, and it might indeed be advisable to expunge the preceding question and answer.

[The Attorney-General here put a number of questions relative to his lordship's servant, evidently pointing to some supposed familiarity between him and the Queen; but Lord G. disowned all recollection on the subject.]

By Lord ROSS.—Did you ever see her Royal Highness in company with any other person in a boat on the Lake of Como?—I have certainly seen her in a boat accompanied by another person.

Who was that person?—I have seen her in a boat with Bergami alone.

By Earl GREY.—Did your lordship notice any particular familiarity passing between them, when you thus saw her Royal Highness and Bergami in a boat together?—Certainly, I never observed any conduct on that occasion which appeared to me to be indecorous.

Your lordship has already stated that the Countess Oldi had a little of the Lombard accent in her pronunciation; was any impression made on your mind with regard to her manners, as well as with regard to her language?—My chief impression was, that her manners were quite inoffensive.

Were they the manners of an apparently respectable and modest woman?—I saw nothing vulgar or immodest in her deportment.

Did you ever remark whether her conversation and deportment were such as indicated a well-bred woman, or a woman of inferior station of society?—I never observed any particular vulgarity.

Did you remark any difference between her manners and the manners of other Italian ladies?—I cannot say that I did; there was no observable or material difference. I should not perhaps call her a person of great refinement, but there was no part of her conduct that was singular or easy to be distinguished from the

greater proportion of Italian gentlemen.

How often did your lordship meet her?—I met her on two occasions, once at the Villa d'Este, and a second time at Milan.

Did you know on either of those occasions that she was the sister of Bergami?—I believe I was not informed of this circumstance on the first occasion, but I certainly was aware of the fact when I saw her at Milan.

By the Earl of LAUDERDALE.—At what part of the table did your lordship sit when you dined with her Royal Highness the Princess of Wales at the Villa d'Este?—On the side opposite to her Royal Highness.

How was your lordship placed in this respect when you dined with her Royal Highness at Milan?—As well as I am able to charge my memory with the circumstance, I sat at her Royal Highness's side.

You have already stated that Bergami dined at the table, at what part of it did he take his seat?—He sat, I believe, on the opposite side of the table.

Did your lordship receive any particular attention from her Royal Highness?—She always treated me in a very gracious manner.

Was there any thing remarkable in her deportment towards Bergami?—I remarked no peculiarity.

Where did Bergami's sister, the Countess Oldi, sit on that occasion?—By the side of Bergami.

By the Earl of DARTINGTON.—Did you never observe any singularity in the deportment of her Royal Highness towards Bergami?—I never observed any.

By Lord ELLENBOROUGH.—Did you make any observation on the deportment and manners of Bergami himself?—I remarked that his manners were unobtrusive; I never saw him forward or assuming.

Had you any conversation with Bergami?—No particular conversation: he spoke a little: the only time when I was alone with him was in the gallery at Milan, but I do not recollect any particular conversation.

From the opportunity you had of observing Bergami's behaviour, could you form any opinion of his being superior to the situation he had formerly filled?—

No, I do not think that it struck me he was

LORD GLENBERVIE,

[Was at Genoa with her Royal Highness, whom Lady Glenbervie agreed to attend till the arrival of Lady Charlotte Campbell, who was daily expected. During this time his lordship dined frequently with the Princess.]

During that time did you see a person of the name of Bergami?—I saw him every day I dined there.

What was the conduct you observed in her Royal Highness towards him during that period?—Bergami waited behind the Princess's chair, in the habit of a courier. I often had the honour to sit next to her, and all I saw in her was the behaviour of any mistress of rank to a servant. He often helped the Princess and me to wine and other things.

What was the conduct of Bergami towards her Royal Highness?—That of a servant.

Was it respectful, becoming his place, or otherwise?—I did not observe any thing particular, if there had been anything like disrespect, I should have observed it.

Did you mention the year?—1815.

What company did you meet at her Royal Highness's table during that period?—Mrs Falconet and her two daughters; Mr Hownam, a Lieutenant in the navy; Lady C. Campbell came some days or a week after the Princess, Dr Holland was also there most days, but not all, I likewise saw some Genoese noblemen; one in particular I recollect, Marchese Jean Carlo Negri. There were also some English officers of the navy.

Did you see Lady William Bentinck there?—I saw her at Genoa frequently.

At her Royal Highness's?—I saw her there, but whether I dined with her there I do not recollect.

Do you recollect attending any balls given by her Royal Highness?—The only ball given there I went to.

Did you meet there the principal persons of the place?—I think a great many of them, the principal ladies and gentlemen of the place.

LADY CHARLOTTE LINDSAY,

[Was one of the Princess's ladies of the bedchamber since 1808, but on her going

abroad, accompanied her only to Brunswick, according to previous understanding. She afterwards joined her at Naples in 1813.]

How long did you then continue with her?—I joined her Royal Highness in the beginning of March. I remained with her as long as she continued at Naples; I accompanied her to Rome, from thence to Civita Vecchia; I then embarked on board the *Clorinde*, and quitted the Princess at Leghorn; this was by an arrangement which had been settled before we met.

By whom was her Royal Highness visited while at Naples?—She was visited by all the English of distinction there, and by the Neapolitans of distinction, and other parties.

Be pleased to state the names of some?—Lord and Lady Landaff, Lord and Lady Gage, Lord and Lady Cunningham, Lord and Lady Holland, Lord Clare, Lord G. Somerset, Lord F. Montagu, Lord and Lady Oxford, Sir W. Gell, Mr Davenport, Mr W. Bankes, and there may be others whose names I forget.

Was her Royal Highness visited by Mrs Falconet?—She was.

And her daughters?—And her daughter

Were you on board the *Clorinde* with her Royal Highness?—I was.

Do you remember where her Royal Highness slept on board?—She slept in a part of the Captain's cabin which was divided into two; her Royal Highness slept in one part, and the Captain and his brother in the other.

Did any other person sleep in the division of the cabin where the Princess slept?—Yes, her maid.

Do you recollect any thing arising in consequence of the cabin being divided into two parts?—Nothing particular, except that the Princess expressed some regret that the other part of the cabin had not been appropriated to me instead of the Captain and his brother.

Did it occasion any difference between the Princess and the Captain?—No, I did not observe it.

Do you remember a person of the name of Bergami being in the service of her Royal Highness?—I was often in company with the Queen when Bergami attended.

How did Bergami conduct himself?—In the common way in which a servant would.

How did her Royal Highness conduct herself?—In the manner that a mistress would conduct herself.

Did you ever observe any impropriety of conduct between the Princess and Bergami?—Never.

When did you quit her Royal Highness's service?—I sent in my resignation in the year 1817.

What was your reason for resigning?—My brother wrote requesting me to return.

While at Civita Vecchia did you see Bergami?—I did.

Will you try and recollect with accuracy whether you did not see him at Civita Vecchia walking with the Princess?—The Princess and I frequently walked out together, and Bergami attended; he did not walk with us, but a little way behind us.

*Cross-examined.*—Will you take upon you to swear that on none of those occasions her Royal Highness walked arm in arm with Bergami?—I have no recollection of it.

Will you take upon yourself to swear that she did not?—I can only say that I have no recollection of it; as far as I recollect, Bergami attended at a little distance, unless he was called to be asked a question.

Then I understand you will not swear that the Princess did not on that occasion walk arm in arm with Bergami?—I certainly do not recollect that she did.

But you will not swear that she did not?—I cannot positively swear, but I never was struck by it.

Why, if such a thing had happened, must it not have struck you?—I suppose it would, and therefore I imagine it did not happen.

You filled the office of lady of the bed-chamber?—I did.

That did not necessarily lead you into her Royal Highness's bed-room?—Very frequently it did; frequently she sent for me.

At Naples?—At Naples.

Was the Princess always alone on those occasions?—Not always alone, certainly; sometimes there were persons with her.

Do you recollect ever upon these occa-



sions seeing Bergami in the bed-room?—I have seen him myself in the bed-room, because we dined in the bed-room. I dined in the bed-room with the Princess and William Austin, and Bergami used to wait upon us as servant.

Had any application been made to you to join her Royal Highness in Germany before you took the resolution of *quitting*?—Yes, there had.

How long before?—I cannot accurately remember how long.

[Bergami attended as courier on the journey from Naples to Rome, and from Rome to Civita Vecchia.]

Does your ladyship recollect whether Bergami accompanied the carriage as courier in that part of the journey?—I believe he did; but I am not so positive in my recollection of his being present on this as on the former part of the journey.

Does your ladyship recollect Bergami riding up to the carriage in the former part of the journey, and addressing her Royal Highness, and saying,—"a *bonne nuit, Madame*?"—I recollect his coming up to ask for something to eat or drink, and her Royal Highness giving him something when called.

Do you recollect whether it was before or after he was called?—I have no distinct recollection, but I think it was after.

Was it a bottle which her Royal Highness handed to Bergami?—Yes, it was a bottle of wine.

Did he drink on receiving it?—I think he did.

From the bottle, without a glass?—I think so.

Did he afterwards return the bottle to her Royal Highness?—I cannot positively say; but I fancy he did.

After you had made up your mind to quit the service of her Majesty, did you not state to some person that you found a vast relief to your mind in having come to that resolution?—I have no distinct recollection of having stated that.

Your ladyship says you have no distinct recollection of having made this statement; but do you remember having said anything to the same purpose or effect?—No, I may have said something like it, but I do not think I ever did.

Perhaps I may be able to call the circumstance a little more to your ladyship's recollection. After your determination to leave the Princess of Wales, did you not say that that determination was a vast relief to your mind, for that no woman with any regard to her character, would wish to continue with her Royal Highness?—I do not recollect having said any such thing, or used any such words.

Does your ladyship recollect having said any thing to that effect?—No.

Will your ladyship undertake to say that you did not state those words, or make use of words to that effect?—I have no recollection of ever having used any such words.

I understand your ladyship will not undertake to say that you did not make use of these very words?—I say I do not remember having made use of them. I have no recollection of them.

Your ladyship having said that you have no recollection of those words, I wish to ask whether your ladyship will undertake to say that you never did make use of them?—I can only say that I think it extremely improbable I should have used such words, and I do not recollect that I ever did.

I understand that your ladyship will not say that you did not make use of those words?—I can only repeat that I have no recollection of having used them, and I think it very improbable that I should.

Will your ladyship undertake to say that you have not made use of words to that effect more than once?—I have no recollection of using them at all.

Your ladyship, however, will not undertake to say that you have not used them more than once?—I can only repeat what I said before, that I have no recollection of using any such words, and that I do not think it probable I ever did use them.

Did you not say, on quitting the service of the Princess of Wales, that, if it had not been for the desire you had to assist an individual with what you saved from that service, you would have quit-  
ted it long before?—It is very possible that I may have used these words, but I do not distinctly recollect having used them. I think it, however, possible.

Having recalled those last words to your ladyship's recollection, I would beg to know whether the former did not pass at the same time?—I have no recollection of having used the former words, and do not think I ever used them. I have no distinct recollection at what time I said, that, had it not been for my desire to assist an individual, I would have quitted her Royal Highness's service sooner; but certainly I do not think that I coupled that observation with any words implying an unfavourable opinion of her Royal Highness.

Does your ladyship say that you recollect you did not couple the observation about leaving her Royal Highness's service with the former words?—As far as I recollect I did not.

But your ladyship will not be positive?—I can only say that I have no kind of recollection, and think it not at all probable.

Do I understand your ladyship that you do not say positively that it was not so?—I have no recollection of ever saying that no woman of character would wish to continue with the Queen.

Your ladyship must perceive that this is not an answer to my question, whether you can positively say it was not so?—I can only say that I have not the least recollection of having said so to any body at any time.

*Re-examined.*—The Solicitor-General has asked you a question relative to a communication on your resignation. To whom was it made?—To my husband.

To any one else?—No.

Is Mr Lindsay at present in distressed circumstances?—Yes.

Has he been so for a considerable period?—For some years.

Did you experience any difficulty, while in her Royal Highness's service, respecting the payment of your salary?—Yes, at one time there was a good deal of arrears due.

Did any other circumstance occur in 1817 which might have rendered your situation in her Royal Highness's service disagreeable to you?—Yes; being obliged to attend at a time [here her ladyship was much affected]—if my attendance had been required there, because I was then under great depression of spirits.

'Had you not lost some near relative at that time?—Yes; two.

Were they not the late Lord Guilford and Lady Glenbervie?—Yes.

I wish to ask whether you yourself ever observed in the conduct of her Majesty, any impropriety which induced you to leave her service?—I never myself observed any impropriety to induce me to resign.

*Examined by the Peers.*—The Earl of DONOUGHMORE.—There was nothing improper that you have seen?—No, I have not seen any impropriety.

Was there any report? (A general call of "Order, order.")

The Earl of DONOUGHMORE.—I only ask the reason which induced her ladyship to quit the service of the Princess of Wales.

Mr BROUGHAM objected to such a question being asked.

The LORD CHANCELLOR. It is certainly competent for any Noble Lord to ask whether there was any other reason which induced her ladyship to quit her Royal Highness's service.

Mr BROUGHAM.—Reports of a very atrocious nature may have gone forth against her Majesty.

The Earl of DONOUGHMORE.—Order, order. I ask only into the reason of quitting her Royal Highness's service.

The LORD CHANCELLOR.—No report of any kind can be evidence to your Lordships.

The Earl of DONOUGHMORE proceeded.—Had your ladyship any other reasons except those which you have mentioned for quitting the Princess of Wales?—There was nothing seen improper; but the reports were of so unpleasant and degrading a nature as to operate on my mind in quitting her Royal Highness.

By Lord CALTHORPE.—During your ladyship's acquaintance with the conduct of the Princess of Wales, did you observe any familiarity on the part of her Royal Highness with her menial servants, both male and female?—I only observed that her Majesty was particularly affable and familiar to all her servants.

Did your ladyship think that her Majesty's familiarity towards her servants exceeded what is usual in the higher

classes in this country?—I think the higher classes are more condescending towards their servants than the class below them. Her Majesty was particularly so.

Was her Majesty's condescension peculiar even in foreign society?—Perhaps, I am no good judge of foreign manners. Foreigners are more apt to converse with their servants than the English are. They have less reserve. Her Royal Highness had that familiarity which I observed in foreigners conversing with their servants.

Did the familiarity of her Royal Highness greatly exceed the degree of familiarity you had seen among the foreigners by the opportunities your ladyship had of seeing foreign society?—No, not greatly.

By the Earl of LAUDERDALE.—Your ladyship mentioned that you had a communication from your brother, the Earl of Guilford; did your brother in that letter advise you to quit the service of the Princess of Wales?—Yes, that your brother's advice?—It was.

Have you the letter in your possession?—No, I have not.

The LORD CHANCELLOR asked her ladyship—Do you know whether the letter is in existence or not?—I believe not. I did not keep it.

Did you make any search for it?—No, I have not searched for it.

After some farther conversation the Earl of LIVERPOOL said he wished to know where they were—was a search ordered or not?

The LORD CHANCELLOR said, if any Noble Lord desired search to be made, he might order to that effect. But if any question should arise upon the letter, after it was ascertained whether the letter could be found or not, that question could not be asked now. But if it contained only reports, it was impossible that any question respecting such reports could be asked.

The Earl of LAUDERDALE desired that a search should be made for the letter.

The LORD CHANCELLOR—Search must be made for the letter.

Mr BROUGHAM (Lady Charlotte Lindsay having withdrawn.) We undertake, my Lords

The LORD CHANCELLOR.—If Lady Charlotte Lindsay can find or cannot find the letter, you will communicate to the house.

Mr BROUGHAM.—Most undoubtedly, my Lord.

Lady Charlotte afterwards appeared again at their Lordships' bar, and was re-examined by the Lord Chancellor.

Has your ladyship searched for that letter?—Yes, my lord, I have.

Have you been able to find it?—No, I have not.

Do you believe it not to be in existence?—I have reason to think it not in existence.

Have you reason to think it can be any where else than in your own possession?—No.

By the Earl of LAUDERDALE.—Can Lady Charlotte Lindsay state the grounds of her brother's request, as stated in that letter?—I have no distinct recollection of any thing contained in that letter, except an advice that I should resign my situation, and some pecuniary arrangements that were to take place between us.

Does her ladyship's recollection lead her to think that that advice was given her without any cause assigned?

Mr BROUGHAM objected to the law of this question, which was then put by the Earl of Lauderdale in this manner:

Can her ladyship say whether her brother gave his advice without assigning any cause for it?—I don't recollect, in that letter, his assigning a cause; but I have some indistinct idea that the reports to which I have before alluded must have been mentioned in that letter, though I cannot positively say.

What reports does your ladyship allude to?—Reports that I mentioned in answer to a question put to me yesterday by a noble lord—reports of an unpleasant and degrading nature, that have influenced me in resigning my situation.

By Lord ERSKINE.—Are those the reports which your ladyship said had not been confirmed, but contradicted, by your own observations?—Yes.

WILLIAM CARRINGTON,  
[Was at Naples as servant to Sir W. Gell. Bergami slept the first night in a very small room above Sicard's the stew-

ard; but as he could not stand upright in it, he was removed next night to another.

Mr BROUGHAM having now put a question relative to what Majocchi had said of Baron Ompteda, the Attorney-General objected, that any such speech could by no means be received as evidence, and that the opposite counsel could have no title to put the question, unless Majocchi had been asked whether he ever had any conversation with Carrington on the subject. Mr Brougham urged, that Majocchi having been asked if he remembered certain circumstances relative to Ompteda, if he could be proved to have mentioned in detail these circumstances to the present witness, his evidence would be materially invalidated. After a great deal of discussion, and a reference to the Judges, it was determined that Majocchi should be recalled, and the omitted question put to him by the Court.]

Did you know Majocchi, or meet him at a place called Ruechinelli, not far distant from Rome, at any time?—I recollect extremely well that I met him there.

Did he there speak to you concerning Baron Ompteda?—I had conversation with him on one occasion, if not on more occasions than one, as regarded her Royal Highness, and also about Baron Ompteda.

What did he there say to you upon those subjects?—I recollect his saying that the Baron had employed one of the servants to procure false keys.

Did he shew you the keys that were to be imitated, according to his own account?—Yes, he did, at Como.

Did he ever state to you that he knew a person to have been so employed, and that, if he had had his own pleasure, he would kill that person "like a dog"?—I recollect his saying so.

Did he ever say, in your hearing, that Baron Ompteda was an ungrateful fellow, and that he brought suspicion on the servants?—I can recollect his saying something to that effect.

Did he frequently talk to you about the Baron?—Yes, frequently.

At various places?—At Antwerp, for instance?—Certainly.

*Cross-examined*.—What led to this conversation?—Majocchi was talking of the disrespect that Baron Ompteda had shewn

to the Princess, and saying that he should like to have satisfaction for it.

What gave rise to this conversation?—It was the general talk of the house.

This was in the month of July 1817?—Yes.

Did you begin the conversation, or did he commence it with you?—He commenced it with me.

And in the manner you have now stated?—Yes, he did.

He began by stating that Ompteda had behaved ungratefully?—Yes.

And that he had employed the postilion and chambermaid to steal the keys of the Queen?—Yes.

Was that the precise way in which he commenced?—The first words were, "Have you heard of the affairs of Ompteda?"

Those affairs that had been talked of in the house?—Yes.

He asked you whether you had heard of those affairs?—Yes.

What did you say?—I said I heard something of them, by which means he began, and told me the whole over again.

Then he had told you of them before that?—He talked about them in the servants' hall, when I was in the servants' hall, with other servants.

What other servants were there?—I think there were at the livery-servants' table eight or ten, together with other people belonging to the house.

Marquis of BUCKINGHAM.—You stated that you had been in the King's service?—Yes.

A midshipman in the navy?—Yes.

How long have you quitted the service?—I left it in 1811.

How long did you remain in it?—About twelve months.

Did you enter the service of Sir W. Gell immediately after you left the navy?—Yes, immediately.

Do you understand Italian?—Yes.

Very well?—Not very well.

Can you speak the language?—Yes.

So as to be understood—to enable you to make your way in Italy?—Yes.

In what language did Majocchi hold the conversation with you?—In Italian.

Did any one interpret between you?—No, I understood him perfectly well.

I suppose you cannot speak Italian suf-

ficiently well to state the original words Majocchi made use of as to Baron Ompteda; give the expression to us, therefore, in English?—Majocchi said; that he and the servants, generally, had made up their minds, if they met Ompteda, to give him a good thrashing, and kill him if they could.

Was that all that passed about Ompteda?—It was all he said about killing Ompteda.

Then you mean to say, that he never said any thing to you respecting killing Ompteda, except those words you have stated?—He said farther, that he was forbidden to do so by Lieutenant Hounam.

Was that all that passed on the subject of beating or killing Ompteda?—That was all.

The Earl of ENNISKILLEN.—You said you were a midshipman in the Poictiers, what time were you there, and why were you discharged?—I did not like the sea, and Sir J. Beresford procured my discharge.

By Lord COLVILLE.—Have you got a certificate from Sir John Beresford?—Yes, I got a certificate, but I have it not now.

You had a certificate, but you have lost it?—Yes.

What situation did you occupy in the Poictiers?—I was a midshipman.

How long were you a midshipman in the Poictiers?—I don't know exactly.

By the Duke of CHARLIS.—You were never in his Majesty's service previously to serving in the Poictiers?—No.

When you entered, how were you rated; whether as a midshipman, or as a youngster?—I went with Sir John Beresford.

Were you at once rated as a midshipman?—I am not sure that I was at the time, but I was rated as a midshipman when I left the Poictiers.

The witness is perfectly sure that he left his Majesty's service for nothing else but at his own request?—Yes, I am sure I left it at my own request.

JOHN JACOB SICARD,

[Had served the Marquis of Stafford ten years as cook, and was engaged by the Princess of Wales in the same capacity.

By the orders of Sir William Gell, he hired Bergami.]

Do you recollect the house her Royal Highness lived in the first night at Naples?—Yes.

Was there sufficient accommodation for her Royal Highness and her suite?—Not conveniently.

Were other arrangements made the day after?—Yes, several alterations were made.

Do you recollect where Bergami's chamber was the first night?—Yes, it was where Charles Harford slept, or somewhere there, over Lady Elizabeth's room.

Did he continue to sleep there?—I believe for one night or two only.

Did he then remove to another chamber?—Yes.

Who appointed the other chamber?—I did.

What chamber was it?—A small cabinet.

Did you make that arrangement by the direction of her Royal Highness?—No, I did not.

Did her Royal Highness converse with you yourself?—Many times.

In what manner did her Royal Highness converse with her servants?—Generally uncommon kind, almost to a fault.

Was this manner of her Majesty general towards all her servants, or was it confined to one individual?—It was general to all.

Have you ever had occasion to walk near her Royal Highness, or with her?—Many times, by her Royal Highness's command.

Did you ever walk so with her Royal Highness in a garden?—Yes, in the garden and pleasure-grounds at Blackheath, many times.

On those occasions did her Royal Highness talk with you?—Yes, very condescendingly.

Has her Royal Highness ever had occasion to take your arm when so walking?—No, except when ascending steps, or a rising ground, and sometimes in course of conversation her Royal Highness did me the honour of laying hold of my arm, and saying, "Do you understand what I mean? do you agree with me?" Your Lordships see how I hold the arm. (A laugh.)

How long did you walk so?—About half an hour perhaps.

Do you remember a masked ball at Naples?—Yes.

Was it given by her Royal Highness?—Yes.

To the Court of Naples?—Yes.

Who had the management of it?—I had the management.

Did any one assist you in the management?—Yes, Mr Parelli.

Who is Parelli?—He is a very respectable person, a merchant, known to some of your Lordships; he is known to Lord Landaff.

Were any of the suite masked?—Yes, Hieronymus and I went together.

How were you dressed?—As Turks.

Do you happen to recollect her Royal Highness attending that masquerade herself?—Yes.

Did she wear one dress or more dresses?—I recollect two dresses.

Do you recollect what her Royal Highness's dresses were?—One was a kind of country dress, and the other a Turkish dress.

You are no longer in her Majesty's service?—I have a pension as long as her Majesty is pleased to give it.

*Examined.*—What amount of pension have you?—Four hundred pounds a-year.

Depending on her Majesty's pleasure?—Entirely so.

You entered her Majesty's service sometime before she went abroad, and left her Majesty at Naples?—Her Majesty left me. *(A laugh.)*

When did you join her Royal Highness again?—Not till I went to inform her Majesty of the news of the King's death.

So that the only time you speak of is during the time of her Majesty's residence at Naples?—Exactly, yes.

With respect to the apartment occupied by Bergami at Naples, had it not a direct communication by a passage with the apartment occupied by the Princess?—Not exactly so, but through several doors.

Was there a small cabinet contiguous to the apartment of Bergami?—There were several: two.

Was there a public passage leading from

the bed-room of Bergami to the bed-room of the Princess?—Yes.

Was there, beyond that passage, and parallel to it, a smaller passage, leading the whole length?—There was.

Was there at the end of that passage a small cabinet?—Not to my recollection.

Was it so constructed that a part of the passage might be enclosed so as to form a small cabinet?—I cannot answer what might be done.

Was there not a communication along that passage, through those doors you described, to the bed-room of the Princess?—Yes.

Did any body sleep there?—Not that I know of.

The rooms in which Hieronymus, Dr Holland, and William Austin slept, all communicated with the other wide and public passage?—They did.

And there was no person slept in the line of communication you pointed out between the room of the Princess and the room allotted to Bergami?—I understood that when Bergami was ill, a servant was to have slept there, but I never saw it.

Then, with that exception, there was nothing to interrupt the communication, provided the parties were desirous of communicating, between one room and another?—I do not recollect that there was.

Have you not been on the Continent to bring over witnesses?—I had a letter from her Majesty to Carlsruhe.

Did you bring over any witnesses to this country?—No.

By Lord ELLENBOROUGH.—Did you make any observation as to Bergami's manners?—They were proper.

Did he seem superior to the situation for which he was hired?—I believe he was not quite so chatty as the Italians generally are. I believe he behaved properly as far as I saw.

Did his manners appear to be superior to his situation?—Not particularly so; he was very civil and obliging.

You did not consider him too much of a gentleman to act as courier?—Not exactly so; he never shewed himself in that way; he never refused to do any thing when he was told.

Were his manners rather those of a gentleman than of a courier?—He might have been rather more of a gentleman than of the lower sort.

DR HENRY HOLLAND,  
[Accompanied her Royal Highness as physician, was with her at Naples and Genoa, left her at Venice.]

Did you know a person in her Royal Highness's service named Bergami?—I did.

Did he dine with her Royal Highness while you were at Genoa?—He did not.

During the period you resided with her Royal Highness, what conduct did she observe towards Bergami?—Always that conduct which became a mistress towards her servant.

What did you observe to be the conduct of Bergami towards her Royal Highness?—Never any other than unpresuming and respectful.

Was there any understanding, before you left England, as to the period which you were to stay with her Royal Highness?—There was a general understanding that I was to stay a year and a half or two years.

At what place did you quit her Royal Highness's suite?—At Venice.

Had there been any conversation as to your leaving her Royal Highness before you arrived at Venice?—There had at Milan.

At whose suggestion was it that you went on to Venice?—It was my own.

When you left her Royal Highness at Venice, was it understood that you were to quit her household entirely, or to return?—It was understood that I was to return.

Did you leave articles belonging to you in the household of her Royal Highness, with the intention of returning?—I did.

What was the occasion of your leaving the Princess at Venice and coming to England?—At Milan her Royal Highness suggested to me that I might make a tour of six weeks to Switzerland. I expressed my wish that, instead of going there, I should be allowed to return for a short time to England, on private business. Her Royal Highness agreed. It then became merely a question whether I should go first to Venice, or return straight to England. I preferred the former.

*Cross-examined.*—Are you acquainted with a minister at York?—I am.

Having reminded you of that, allow me now to ask whether you ever stated to that gentleman that you disapproved of her Royal Highness's conduct towards Bergami?—I never have.

Have you ever informed any person whatever that you did not think the conduct of her Royal Highness was proper, or words to that effect?—I have never stated any thing to that effect.

I ask not with reference to Bergami, but whether you have not made any observation of this kind?—I am so satisfied of the negative, that I can venture to swear it.

We all know, Dr Holland, that you have published some travels. I wish to know whether, in publishing them, you have had occasion to alter any opinion you had previously entertained respecting her Royal Highness?

MR WILDE objected to this question.

THE SOLICITOR-GENERAL then put the following.

Have you always entertained the same opinion which you now have respecting her Royal Highness?—I feel it quite impossible to describe all the fluctuations of opinion I may have had at different times, but of this I am satisfied, that I do not recollect any change whatever in my opinion respecting her Royal Highness.

By LORD ERSKINE.—During the whole time of your attendance on the Princess at all places, did you ever observe any indecent, immodest, or improper conduct in her Royal Highness?—I have not.

By EARL GREY.—Have you, during any part of your residence with her Royal Highness, observed any thing in her Royal Highness's conduct which was calculated to bring disgrace upon this country?—As far as I can say, decidedly not.

By the EARL of HARROWBY.—What kind of Italian did the Countess of Oldi speak?—Very much that kind of Italian which is spoken in Lombardy.

Is that dialect generally spoken by persons of fashion and education?—I have heard it spoken by persons of education and fashion, when conversing with each other; but almost all such persons have been capable of speaking the pure Italian.

Did you ever hear the Countess of Oldi speak pure Italian?—It would be very difficult, upon my recollection only, to say whether it was pure or not.

Mr BROUGHAM.—You have said that your salary did not cease in June, 1815. I wish to ask whether your salary has ceased since?—It has.

How long?—Fifteen months exactly from the time I entered into her Majesty's service.

Have you any pension since?—None whatever.

CHARLES MILLS, Esq.

[Resided at Rome, where he commonly dined with the Princess during the twelve days she remained there. He met there some of the nobility, and in general the first company.]

Did you see any of their Eminences (the Cardinals) at dinner?—I never saw any at dinner.

At other times, besides dinner, did they attend?—They came frequently to the evening parties.

Was Bergami then her Royal Highness's chamberlain?—He was.

Did he, in that character, dine at her Royal Highness's table?—He did.

Did you often see her Royal Highness and her chamberlain Bergami together?—Frequently.

Did you ever see the smallest impropriety of conduct between them?—Never.

Does this answer apply to your observation of the Princess and Bergami as well at Rome as at other places?—Yes, certainly.

Had you the honour of paying your respects to the Princess after she became Queen?—Yes, I had.

When and where?—At Rome in the beginning of the year.

Had she then assumed the title and dignity of Queen of England?—She had.

About what month was that?—I think February, 1820.

Had she two ladies of honour then appointed to attend her by the Roman government?—No, she had not.

Had she any guard of honour, or any of those marks of distinction paid her, which you saw when she was Princess of Wales?—No.

Did, in point of fact, Roman and English persons of rank visit her Majesty then to pay their respects?—Yes, they did.

Do you remember who they were?—I can speak of their names as I saw them entered in the book.

(Evidence of what he saw in the book was objected to.)

Did you see any of those persons visit her Majesty? Speak of your own knowledge.—I did not. I can only speak of the names as I saw them in a book kept for visitors.

Was it then known that the funeral of his late Majesty had taken place?—I think it was.

Was Bergami chamberlain in 1820 as in 1819?—He was.

Was there any difference in the appearance of her Majesty's household at the different periods to which you speak?—I saw none.

Did you ever see any thing in the conduct of these parties (the Queen and Bergami) derogatory to the honour and dignity of the British empire, or likely to wound the moral feelings of the people of this country?—Never (with peculiar emphasis.)

Did you in other respects, either in public or in private, see the Queen conduct herself in any way at which a just exception could be taken?—I never did.

By Viscount FALMOUTH.—Were you, on the occasions when you dined and supped with the Countess Oldi, introduced to her by her Majesty?—Yes, my lord; I was introduced on the first occasion.

Did you make any observation upon her manners?—Her manners appeared to me to be unobtrusive and natural.

Were they the manners of an Italian lady?—I did not consider them otherwise at all.

JOSEPH THEONIE,

[Colonel in the Italian army, member of the French Legion of Honour, and brother to a General of Division.]

Did you know Bergami when he served in a military capacity in General Pino's brigade?—I did.

When did you know him first?—At a



time when he filled the function of Quarter-master in the first regiment of Italian hussars.

In what year was that?—It was about the conclusion of the year 1800, or the beginning of the year 1801.

What was the general conduct of Bergami at that time?—The conduct of Bergami at that time was that of a non-commissioned officer, who had nothing to reproach himself with; and, in short, the conduct of a good military man.

Did you ever observe him holding any intercourse with the General Galemberti?—Certainly.

Were they of the same country?—They came from the same part of Italy, as I understood.

Did you ever observe them at the same parties or suppers?—I do not recollect; I believe not.

Did you ever see him, not at suppers, but at evening parties?—I cannot recollect to have met him; but I well know that he frequented the house of General Galemberti.

Where and in what year was it that you met with Bergami a second time?—It was on the frontiers of Spain, either in 1808 or in 1809, when Marshal St Cyr commanded a division of the French army at that time entering the Spanish dominions.

In whose service, or in what employment, was Bergami at that time?—He was engaged in the household of General Pino, and also attached to a division of the Italian army.

What was the treatment that he received from General Pino?—As far as I had the means of observation, I recollect that he was treated by General Pino with much kindness, and entire confidence.

Did you yourself know General Pino, and visit him subsequently?—I visited him whenever the service made it incumbent on me to do so.

Did you ever see Bergami at any of those periods?—Sometimes, not always.

Do you, of your own knowledge, know that Bergami sometimes dined at General Pino's table?—I cannot affirm that.

In what manner did General Pino usually behave to him?—He appeared to me to treat him on all occasions as an individual possessing his fullest confidence.

In what estimation was Bergami held by the other officers?—He was very well liked, and considered as an honest man (*un honnête homme*.)

By Earl Cathcart.—What are the grades inferior to the rank of quarter-master?—The lowest is that of brigadier; then that of *marschal de logis*; and then quarter-master, which, however, sometimes signifies the same thing.

You can probably inform us whether the rank of *marschal de logis* corresponds with the grade of sergeant in the infantry?—It does.

Did you ever understand Bergami to be General Pino's own servant?—No: there is a difference, in Italy, between the ordinary office of courier, and the same office when attached to personal rank; a person in the latter situation is not commonly regarded as a domestic servant.

#### EARL OF LLANDAFF

[Was at Naples in 1815, when he frequently visited her Royal Highness, along with the Countess.]

What society did your lordship and the Countess meet there?—The generality of English there, and all Neapolitan noblesse, of course.

During the time that your lordship had that intercourse with the Princess of Wales, did you observe any impropriety in her conduct?—No.

Did your lordship observe any thing in the demeanour or habits—(I need hardly ask the question)—but did you observe any thing that made it all improper for you or the Countess to associate with her Royal Highness?—Not the least.

Was Bergami there?—Yes.

Did you see him?—Yes.

Did you observe any thing at all improper in the conduct of her Royal Highness towards Bergami, or of Bergami towards her Royal Highness?—Never.

Did your lordship ever afterwards, after leaving Naples, meet with her Royal Highness?—Yes, at Venice.

At what time of the year?—In June or July.

Does your lordship recollect at what hotel you lived?—I believe it was at the Hotel d'Angleterre.

Where did her Royal Highness live?—At the same hotel.

Did you there renew your intercourse with her Royal Highness?—I did.

Was the Countess with your lordship there?—Yes.

Did you there observe any thing improper?—Not the least.

Did you ever happen to go into Her Royal Highness's chamber?—Yes, I went in the morning into her sitting-room.

Did your lordship knock?—I cannot take on myself to say.

Does your lordship recollect ever going without knocking?—I cannot recollect: I rather think I did—for this reason, that I had a child to whom her Royal Highness took a fancy. But I am not sure.

Does your lordship recollect having knocked?—No, any more than not having knocked.

Were you in Italy any time besides the months you have mentioned?—I was there two years.

Your lordship can say whether it is the practice in Italy for men as well as women to visit ladies in the morning in their bed-chambers?—It is very common for men, as well as women.

Do men, as well as women, see women in bed?—Yes.

Does your lordship know, from your own knowledge, and your own practice and experience (*a laugh*), that it is so?—I have many times visited of a morning, when the lady was in bed.

Was that in the ordinary intercourse of society?—It was.

Your lordship speaks of ladies of high character and respectability?—Yes, so far as I know.

THE HON. KFFPEL CRAVIN

[Was the Princess's Chamberlain in 1814, and left her at Naples, being four months later than had been originally fixed. After leaving Milan, a courier was discharged.]

Do you recollect, whether, in consequence of that circumstance, you applied to the Grand Chamberlain of Austria to assign you a person to supply his place?—I applied to the Marquis Giziliegghiri for that purpose, who had been appointed by General Bellegarde to attend on her Royal Highness, during her stay at Milan, in the capacity of chamberlain.

Did the Marquis Giziliegghiri mention any person to you as fit to supply the place of the discharged servant?—Yes, a person whom I afterwards found to be called Bergami.

Will you state whether the Marquis recommended Bergami as a person fit to be received and trusted in the service of her Royal Highness?—I recollect that he did. He recommended him very strongly.

Do you recollect whether he stated that he had any knowledge of Bergami's family?—I recollect that he stated that he had known Bergami's family long, and that he was particularly interested in the success of Bergami.

Did you know Bergami before the Marquis recommended him as a fit person to serve her Royal Highness?—Not at all.

Were you desired by her Royal Highness the Princess of Wales to make the inquiries which you did for such a servant?—I was.

Did you communicate the result of such inquiries to her Royal Highness?—I did.

Did you receive any communication from the Marquis about Bergami?—I did.

Did you make known that communication to her Royal Highness?—Yes. I told her that the Marquis Giziliegghiri had a person whom he wished to recommend—that he said that he could recommend him strongly, having known his family for a long time, and that he wished to get for him a good situation.

Did you state to her Royal Highness any thing about the situation in which he was to be engaged?—I told her all that the Marquis had said. The Marquis said he hoped that he would be continued in the family.

Did the Marquis say any thing about Bergami's being promoted?—He said that he hoped that Bergami, if he behaved well, would be promoted. He likewise added, that he hoped that Bergami might remain as a servant out of livery in the house, if her Royal Highness stopped long at any place.

Did you go to Naples along with her Royal Highness?—I did.

Did any thing particular occur on your arrival at Naples?—We were met at a short distance from the town by the then

King of Naples: first of all by his officers; afterwards by the King himself.

Do you recollect any person calling on her Majesty the day after she arrived at Naples?—Yes, the then King and Queen of Naples called upon her.

Do you recollect where her Majesty dined that day?—She dined at Court.

Was there any entertainment given at Court after dinner?—Yes, a small concert.

Do you know how late her Majesty remained at that concert?—She left it about half-past eleven o'clock.

Did you leave it with her?—Yes, I was in waiting.

On the second entire day, after her Royal Highness's arrival at Naples, do you happen to recollect where she passed the evening?—I do; she spent it at the Opera.

Did you go with her that evening?—Yes; her whole suite accompanied her there.

Were there any other persons whom you recollect with her?—We went from her house to the Palace, and from thence to the Opera with the King and the Court.

Do you recollect the box in which her Royal Highness was seated?—I do; she sat in the state-box, with the King and Queen.

Do you recollect whether there was any illumination in the house that evening?—The whole house was illuminated in honour of her Royal Highness.

Did you return home early, or how, that evening?—No, the Opera at Naples is always late, and we remained till the conclusion.

Do you remember a masquerade, or a masked ball, that was given by her Royal Highness as a compliment to the reigning King?—I do.

Do you recollect the dress of her Royal Highness upon that evening?—I do. She had three dresses; two of them I recollect very well; the other I do not recollect so well, as I only saw it for an instant.

Will you mention the nature of the two dresses which you recollect?—One was a Turkish dress; another was the dress of a Neapolitan peasant; the third

was that of the Genius of History, as I was told.

Did you see her in that dress?—I did for a short time.

Will you state whether it was in the smallest degree improper or indecent?—I don't recollect that it was at all indecent.

Do you recollect how that dress was about the breasts?—It was a dress of white drapery, that came up very high to the breast—very high.

Do you recollect what dress she wore before that dress?—I do not know entirely; but I think that it was a Turkish dress; the last dress which she wore was the Neapolitan dress.

As far as you can recollect, at this distance of time, might it have been possible for her Royal Highness to have put on the dress of the Genius of History over her Turkish dress?—I don't know, because I did not notice that dress much; but I think it certainly might have been put on over the Turkish dress.

Would it be necessary that her Royal Highness's dress should be entirely changed when her Royal Highness shifted her dress from that of the Turkish peasant to that of the Genius of History?—It would not be necessary entirely to change it; I should think it might be got on by changing only a part of her dress.

Bergami, you have told us, was engaged at Milan: Did he attend her Royal Highness from Milan to Naples, and were you in her service all that time?—Yes.

Did you ever observe any impropriety of conduct, or any degrading familiarity, to pass between her Royal Highness and Bergami, during the time which elapsed from Bergami's engagement at Milan, till your departure from Naples?—I never did.

Have you dined subsequently at table with Bergami and the Queen?—I have.

Frequently?—Three times.

On any of those occasions did you observe any sort of impropriety pass between them?—Never.

Do you know the Countess of Oldi?—I have seen her once.

Is she a person of vulgar manners?—No (in a decided tone).

Do you remember having any conversation with her Majesty about William Austin, before the journey to Naples?—Yes, I do.

Will you state what that conversation was?—I think that I told her, before she set out for Italy, that it would be as well if William Austin should cease to sleep in her room.

Did you state to her Majesty any reason for giving her that advice?—I said that the people of Italy might make some observations upon the circumstance.

Did you say any thing about Austin's age?—I said that he was of an age that might apply to such observations.

Do you know what his age was at that time?—I do not.

Was it 6 or 7 years?—It was 13 or 14, according to my idea; but I had no means of judging, except by his looks.

Did you dine with her Royal Highness in general?—Yes, whenever she had company.

When you were so dining with her Majesty, did it ever happen that you saw the Baron Ompteda at her table?—Yes, very often.

On those occasions, which you describe to be frequent, when the Baron Ompteda dined at her Majesty's table, had Theodor Majocchi any opportunity of seeing him?—He must have seen him when waiting at table.

Did he often wait at table?—Every day when there was company.

*Cross-examined.*—Did you ever, either to Lady Charlotte Lindsay or any other person, state that you had made representations to her Royal Highness as to what had been observed, with respect to her Royal Highness and Bergami, on the terrace of the garden attached to the house at Naples?—I did say so, but not to Lady Charlotte Lindsay; I mentioned it to a person at Naples; I mentioned that I spoke to her Royal Highness about it, but that was with regard to what "I" had observed.

You will have the goodness to state what you saw, and what you represented?—I saw her Royal Highness walking in the garden, and Bergami near her. I knew that there was a spy too, at that time, in Naples, I had received information to that effect, which had been con-

veyed to me from England. That being the case, I thought it necessary to caution her Royal Highness about any outward appearances, which might be misconstrued.

When you saw her Royal Highness on the terrace, how was she employed? was she walking?—She was walking.

And Bergami also; he was walking on the terrace?—He was walking there also.

In the same direction with her Royal Highness?—Yes.

The Earl of BILMORI.—Does Mr Craven know whether her Majesty the Queen conferred any further honours upon Bergami, than elevating him from his courier's place to his station as a gentleman?—I do not of my own knowledge. I know nothing further but what I heard by general report.

LORD COMBERMER.—When you saw Bergami walking on the terrace, how was he situated towards her Majesty?—He walked a little in the rear.

That is, as a servant attending his mistress?—Yes.

What hair was there in that?—I saw none.

Then why did you think it necessary to give her Majesty the hint?—I saw no impropriety, but to put her Majesty as much on her guard as possible.

SIR WILLIAM GILL,  
[Had served the Princess as chamberlain, and joined in communicating to her the recommendation of Bergami as a courier.]

On any of the occasions in which the subject was mentioned, can you recollect what the Marquis said of Bergami in the presence of the Queen?—He said that he knew Bergami's family, that they had fallen into distress by the events of the French Revolution; but the man himself was perfectly honourable, honest, and trustworthy, and would be found so in any situation in which he was employed. He stated that Bergami was above the office into which he was about to enter, and he hoped that the Princess, if he behaved well in the family, as he was most certain he would, would gradually advance him in her household.

Did you see the Marquis Gizilicghiri take leave of Bergami at any time?—Yes, I did.

In what manner did he conduct himself then towards Bergami?—I remember when Bergami was about to mount his horse at Milan, the Marquis went up to take leave of him. It was in the public streets of Milan, and the Marquis was dressed in his uniform as Chamberlain to the Emperor of Austria; he was also at the time attended, I believe, by his deputy chamberlain, and I think other Austrian officers. The Marquis, on this occasion, advanced to Bergami, took him round the neck, and kissed each of his cheeks, according to the general custom of salutation in Italy.

Do you mean the custom among equals, or between a master and an inferior person?—I mean among equals, certainly; perhaps no otherwise.

Do you remember the Queen's having given an entertainment to the King of Naples?—Yes, I was present, and remember it perfectly well.

Do you remember the ceremony of crowning a bust?—Yes, I remember it.

How did it take place?—The attention of the company was directed to a door which was thrown open for an instant, just this way, (Sir William here moved his hand to and fro, as if opening and clapping door), and a duchess, a countess, and a marquis of the Neapolitan nobility, were seen. One of the ladies placed a wreath of olive upon the statue, and the door was instantly closed again.

Do you recollect the sort of dress which her Royal Highness wore upon that occasion?—As far as I have any distinct recollection of that circumstance, it was a dress resembling that of the Cariatides; the drapery was that of Mr Hope's Minerva.

Did it resemble the drapery attached to the figure that you mention?—It certainly did.

In point of fact, was it a long and ample dress?—It was.

[Sir William agreed with Mr Craven as to the reception of her Majesty at Naples, and what happened at the opera, and at the theatre of St Carlos.]

Did you quit her Royal Highness at Naples; and if you did, what were your reasons for so doing?—I quitted her Royal Highness with her permission; I was

tired, and indeed unable to attend her in the way she travelled; I had been previously much troubled with the gout.

Did you afterwards meet or see her several times?—I did.

Do you remember the first of those occasions?—Yes, I met her Royal Highness on her return from Palestine, and accompanied her to Rome, where I went into waiting.

How long did you remain in waiting?—During the period of her Royal Highness's stay at Rome.

Do you recollect whether any persons of distinction visited her during that period?—Many persons of distinction waited on her, and paid her their respects.

Have you any clear recollection on that subject?—I have; I presented many myself. I distinctly remember, as a circumstance which I thought remarkable at the time, that, whilst several members of the house of Bourbon attended in their own proper character, their name was adopted by some princes of the house of Braganza: I mean of the reigning family in Portugal. The Count de Blacas also attended.

Have you been in attendance on her Majesty lately; that is, on any recent occasion?—I waited on her Majesty several days during her progress through the Roman territory, after she had succeeded to the title of Queen of England.

When you saw the Queen at Rome, on the last occasion to which you have alluded, did you see Bergami?—Yes, several times.

Did you see Bergami as well in the presence of the Queen as when she was not there?—Yes, several times.

Now, I first ask you, Sir William Gell, whether or not, in the demeanour of the Queen towards Bergami, or in the demeanour of Bergami towards the Queen, you saw any thing indecorous or improper?—Not in the least.

In what manner did Bergami conduct himself towards the Queen on the occasions, when you saw them together?—Always with respect. He did every thing that he ought to do. He did nothing that appeared to me extraordinary or particular.

Had you an opportunity of judging of the conduct, demeanour, and manners,

of the Countess of Oldi?—I had a very good opportunity. I sat next to her every day at dinner.

I now ask you, whether or not the Countess of Oldi is a person of low and vulgar manners?—Certainly not.

What are the appearance and demeanour of the Countess?—Very pleasing: she is rather good-looking, and is a very modest lady.

Upon any occasion, when Bergami has come to see you, or you have been obliged to see him, and the Queen was not present, what were his conduct and demeanour towards you, as to manner?—On all such occasions he was more respectful than was necessary. He generally required to be pressed before he sat down.

You have been for a considerable time in Italy?—I have been there almost ever since the Queen first went abroad.

I want to know whether, according to the habits of that country, it is usual for men-servants to go into the bed-rooms while the ladies are in bed?—I believe it is not at all uncommon. I believe it is very usual.

Did you know Baron Ompteda?—Yes, I did.

Have you known, yourself, of your own knowledge, of his dining with the Queen, while her Majesty was Princess of Wales?—Yes, certainly; I saw him at the Queen's table, at dinner.

Once, or more than once?—I cannot remember more than once, at this moment; I mean at the Queen's table: I have met him at other tables.

You have been in the East, Sir William?—Yes.

Pray have you been ever in the habit of seeing a Moorish dance?—Yes, not only in the Eastern countries, but in Spain.

Mr PARK objected to any question relative to the mode of dancing adopted in foreign countries.

The LORD CHANCELLOR.—I see no objection to a question which tends to shew that a particular dance exists. The fact must afterwards be contrasted with that which has been previously given in evidence.

Mr WILLIAMS resumed.—Will you

describe this dance generally, if you can do so? (*Much laughter.*)

The LORD CHANCELLOR.—Recollect, Mr Williams, that Sir William Gell has got the gout. (*Laughter.*)

Give me any description, verbally, of the manner in which this dance is usually performed?—I believe every one has seen the Spanish Bolero danced at our theatres: it is very like that. In one part of the dance the two performers come together, sometimes in an attitude of defiance, and sometimes in an amorous attitude. The same dance prevails throughout the south of Europe. Every body, ladies and gentlemen, saw it without making any particular remark. I believe it prevails from Madrid to China. It is common in every part of Italy.

During the time that you were at Naples, in attendance on the Princess, were there many families in the habit of visiting her?—A great many. Every body that was there, I believe. All persons of note.

Did the Neapolitan nobility visit her?—All the Neapolitan nobility, and all the English, I think, that were there.

Can you tell whether the English nobility, of whom you are speaking, were presented, or attended at the Court of the then King of Naples, Joachim?—I believe every one, without exception.

Can you name any of those who were in the habit of attending either the Court or balls of Murat?—The Marquis of Sligo, the Marquis and Marchioness of Conyngham, the Earl and Countess of Oxford, Lord Lynedoch, Lord and Lady Holland, the Earl and Countess of Lansdowne, Lady Elizabeth Forbes, and many others.

And many others?—Yes, many others that I do not recollect.

Was it there or at Genoa that Lord Exmouth dined with the Queen?—I do not know any thing of Lord Exmouth.

When you were at Rome on the last occasion, do you know whether Bergami was received in the families of the Roman nobility?—I do not know at all, but I do not believe that he went out.

By Lord ELLENBOROUGH.—Did you observe any thing in the conduct of the Princess towards Bergami in her conver-

sation, manners, or looks, to induce you to entertain the idea that there was an adulterous intercourse between them?—Upon my honour, I never saw, the Queen speak to Bergami but on matters of business, though I was in the house three months together.

¶ I wish for a more distinct answer?—(The question was read over, to the witness).—I never did.

Did you observe any thing in the conduct of Bergami towards the Princess that would have been different from that of an English gentleman?—Nothing, but that he was more attentive. (*Some laughter.*)

Earl of LAUDERDALE.—Did Louis Bergami dine at table at Villa Grande?—Sometimes.

At table with the Princess?—At the same table.

Did you ever see Bergami's mother?—Never to my knowledge.

Where did Bergami sit at table, when you were there also?—Generally speaking, somewhere on the left of her Royal Highness.

Did he sit next her Royal Highness, or at a distance?—Sometimes next, and sometimes at a distance.

When you were at the same table?—When I was at the same table.

Did you sit on the opposite side of the Queen?—I generally sat where there was no company, on the right side of the Queen.

And Bergami on the left?—Sometimes, but when the table was square, round the corner.

I also beg to know what situation Louis Bergami held in the establishment of the Princess at that time?—I believe he was chamberlain at that moment.

Where might Louis Bergami usually sit when he thus formed one part of the company?—Generally at the other end of the table.

By the LORD CHANCELLOR, at the instance of the SOLICITOR-GENERAL.—When the Princess appeared in the Turkish dress, did she not wear trowsers?—I happen to know what the trowsers were, and I beg to explain them. (*Explain, explain.*) They were very much like the common petticoat, sewed slightly between the legs at the bottom; such as they are very often worn in the Levant

JOHN WHITCOMB,

[Valet to Mr Craven, while at Naples.]

Do you recollect, on the first night of her Royal Highness's arrival at Naples, in what room Bergami slept?—No; I am not sure.

Have you ever seen the room in which he slept?—Not the first room; I never was in it.

Do you recollect the second room in which he slept?—Perfectly well.

Was there a passage communicating with that room at one end, and at the other with the room in which the Princess slept?—There was a passage which led from one end of the house to the other, to the end in which Bergami slept at the other end of the terrace.

Do you remember where Madam De Mont, the Princess's *jemme de chambre*, slept?—She slept in another room, over Dr Holland's, the stairs of which led from the passage.

Have you ever been in that room?—Yes, frequently.

Have you ever been in that room by night, as well as by day?—Late as well as early.

At the time you have been in that room, has Madame De Mont been there also?—Yes, she invited me generally to go there.

When you have been in that room, has there been any person there except yourself and De Mont?—There was, sometimes, Creci (*Annestu* we used to call her); but it was seldom long that she stayed when I was there.

Have you, then, been long in that room with De Mont?—Very frequently.

At the time you have been so long with her, has the door been locked or not?—Locked and bolted.

The SOLICITOR-GENERAL objected to the last part of the examination. It was impossible not to see the object for which the learned gentleman had put the last question; and that, he apprehended, was not an object which could be legally pursued by him. He supposed that it was unnecessary for him to argue the point.

Mr TINDALL.—We will not, then, push this matter any further, my lords.

The LORD CHANCELLOR.—Really you have pushed it already as far as you possibly could.

*Cross-examined.*—In going along the passage had you Dr Holland's room in the corner on your right?—Yes.

Was there not a small room on your left?—Yes, there was.

Was it not an unoccupied room?—I believe so.

Beyond that unoccupied room, and next to it, was not the room of Bergami?—Yes.

So that Bergami's room was at the end of the passage you first described, and at the left of the small passage you now describe?—Yes.

Was there not a door from Bergami's room to the passage you have first described?—I am not certain if there was a door.

Speak positively; was there not a door or passage?—I think there was a door or passage; but whether there was a partition between that door or passage and Bergami's I do not know.

Was there any mode of going to Bergami's room by that passage?—Yes, there was.

By a door?—Yes, I think so.

You have described Bergami's room as being a small one, looking towards the garden. Was it a corner room near a small cabinet?—It was a corner room; I cannot say whether there was a cabinet.

Was there not a small cabinet immediately beyond it?—I cannot say.

Was there not, in the passage you first described, a small staircase occupied by De Mont?—Yes.

Opposite that staircase, or near it, was there not another door?—I am not sure; I cannot charge my memory with it.

Was it not parallel to the second passage you described between the Princess's room and Bergami's?—There was, I know, a sort of inward room or passage, or something of that description.

CARLO FORTI,

[Had been head cabinet courier to the Viceroy of Italy. Entered the Princess's service when she was setting out from Milan to Rome.]

On the journey from Milan to Rome, in what carriage did the Princess travel?—In a small English landaulet.

How many other carriages had her Majesty with her in that journey? Two more.

What sort of carriages were these two? One was a *bascetella*; the other a *caratella*.

On that journey, in which of the three carriages did her Majesty herself travel?—In the landaulet.

Had the landaulet glasses, as is usual with such carriages?—Yes.

Had it wooden blinds?—Yes, it had.

Had it any curtains?—It had.

What sort of curtains?—Silk.

Does the witness mean silk curtains that drew aside, or up and down, with springs?—They were things which were pulled down by means of two strings that kept the curtain combined, and were lifted up by springs.

Do you remember her Royal Highness leaving Rome to go to Sinigaglia?—I do.

Do you know a person of the name of Sacchi, or Saechini, who was in her Royal Highness's service?—I know Sacchi.

Did he accompany her Royal Highness on the journey you have just been speaking of?—He did.

How did he travel on that journey?—From Milan to Ancona on horseback; from Ancona to Loretto, and from Loretto to Rome, he set off, in the evening, a day before her Royal Highness, in the *caratella*, and I mounted myself on horseback, and accompanied the Queen into Rome.

Did you mount on horseback at Ancona or Loretto?—At Loretto.

Now, when her Royal Highness left Rome for Sinigaglia, did Sacchi travel with her, and how did he travel?—He travelled in the *caratella*, as before; and I on horseback, with the carriage.

How long before her Royal Highness did Sacchi set out on that journey in the *caratella*?—Two hours before.

What was it his business to do on the journey, which rendered it necessary that he should go two hours before her Royal Highness?—He had to order horses, and to pay for the horses.

How did you travel yourself on that same journey?—Always on horseback.

Did you accompany the carriage on horseback?—Always.



When you came near any stage, did you go before her Royal Highness's carriage?—Yes, about half a mile before the end of a stage.

Do you mean to say, that at this half-mile, before the end of a stage, you always rode before her Royal Highness's carriage?—I do.

Did Sacchi order horses for her Royal Highness in the way you have described, going before her in the *caratella*, during the whole of that journey from Rome to Sinigaglia?—He did; and he paid for them at the same time.

Did any other person ride as a courier for her Royal Highness on that journey?—No.

If there had been any one else, must you have seen him?—Certainly, because I was always there.

Did any other courier, or person on horseback, except yourself, accompany her Royal Highness on that journey?—No one except myself.

Now, who travelled with her Royal Highness in the landaulet on that occasion?—There were in it, besides her Royal Highness, the Countess of Oldi, Bergami, and Victorine.

On whose lap did Victorine generally sit during this journey?—Very often she was on the knees of her Royal Highness.

Did you see her (Victorine) sometimes in the morning sitting on the Countess of Oldi's knees?—Sometimes I did.

Where did the Countess of Oldi sit in the carriage?—In the middle.

Do you mean in the middle, between the Baron and her Royal Highness?—Her Royal Highness was on the right, the Baron on the left, and the Countess in the middle.

Do you recollect whether, during any part of the journey from Milan to Rome, or from Rome to Sinigaglia, the Countess of Oldi was in one of the other carriages?—At Loretto the Countess fell, and went into the second carriage.

Whose place did she take at that time?—She took the place of De Mont.

Where did De Mont go when the Countess of Oldi took her place?—She took the place of the Countess of Oldi.

Do you mean that she took Oldi's place in the middle of the landaulet?—I do.

Was it on the journey from Loretto

to Rome, or from Rome to Sinigaglia, that this accident happened?—It was on the journey from Loretto to Rome.

After leaving Rome to go to Sinigaglia, did De Mont, or any other person except the Countess of Oldi and the Baron, ever travel in the carriage with her Royal Highness?—There did not.

On that journey, was the Countess of Oldi always in the carriage, and always in the middle, as far as you saw?—She was.

Did you always see her in that situation, in the morning, when her Majesty arrived any where?—Morning, as well as evening, I saw her, for I was always there.

As courier to her Royal Highness, was it the practice to speak to her Royal Highness, or to any other person in the carriage, at the time you were travelling?—When they arrived at the end of a stage, and that the carriage was stopped, then I knocked against the door of the carriage, and asked whether they wanted any thing.

While travelling in this way, in what situation were the windows of the carriage at night? had they glasses or blinds?—In the front there was the glass, and, on the right and left sides, at all times during the night, they put up the blinds.

Did you ever see the Baron kiss the Princess at any time on taking leave of her, or at any other time?—No; I never saw him kiss the Princess. (The witness accompanied his answer by a serious shake of the head.)

Did you ever see the Baron take leave of the Princess on any occasion?—Yes, I have.

What did the Baron do on taking leave of her Royal Highness?—He kissed her hand, and nothing else.

Did you yourself, on taking leave of her Royal Highness, kiss her Royal Highness's hand in the same manner?—I have.

Did the other members of her Royal Highness's suit do the same thing?—Yes, the chamberlain; and it was done by all those gentlemen who came to visit her Royal Highness.

Were you in the practice of kissing the hand of the persons of rank whom you formerly served?—I did so to the Vice-

Queen, as well as to the Empress Josephine.

*Cross-examined.*—When did you last see Bergami?—The last time I saw him was at St Omer's.

Did Bergami travel with her Majesty the Queen as far as St Omer's?—He did.

Do you know the wife of Bergami?—Yes, I do.

Where does she live?—At Milan.

I believe Bergami is called the Baron de la Francini?—Yes, he is.

Is his wife styled the Baroness de la Francini?—I never heard it.

Have you ever seen Bergami's wife in company with her Royal Highness?—I have never seen her.

Whereabout does Bergami's wife reside? at Milan, or in the neighbourhood?—She lives in Milan.

In what part of Milan?—She lives near the gate of Ticcina; but I cannot describe the place very exactly.

Have you ever been at her house?—I have.

What sort of a house is it where she lives?—It is a neat house, that suits a private individual.

In what manner does the wife of Bergami live there?—She lives as all other persons do.

In what manner?—In the style of a private person.

I wish the witness would describe, more particularly, the style in which she lives?—In truth, for my part, I have never been in her house, to inquire what she did, or did not.

Has she any servants?—She has servants, and a waiting-maid.—(Cries of No! no! intimated that the answer was not correctly translated.)

How many servants has she?—She has a man-servant, and a maid, who performs the office of waiting-maid.

Do you recollect Bergami's mother?—Yes, I do.

Did she live in the house of her Royal Highness?—She came once to pass a few days at the Villa Caprini.

You say a few days; how many days, did she remain?—She remained two months, more or less.

When the mother of Bergami was at the Villa Caprini, where did she dine?—

She dined sometimes with her Royal Highness, and sometimes in a room by herself.

Where did Faustina dine?—Always in her own room.

Do you mean to swear that Faustina always dined in her own room?—I cannot swear that she always dined there; but I saw that she did not dine with the others.

Where did Louis Bergami dine?—Sometimes he dined with her Royal Highness, sometimes he did not.

LEUTENANT JOHN FLYNN,

[Received the command of the polacre in which her Royal Highness went from Messina to Tunis.]

Do you know the situation of the bedrooms that were occupied by her Royal Highness, and by Bergami, during the whole voyage?—I do.

I wish to know whether, at any time, in the situation in which the beds of those two individuals were placed, it was possible for them to see one another while in bed?—I say, no (emphatically.)

Did your duty lead you to attend her Royal Highness, and to see the arrangement of the apartments?—I have sometimes been called for by her Royal Highness to know how the weather was.

From what place did she call to you?—From her cabin.

Did she ever call you from any other place in the night-time?—Yes, when sleeping under a tent upon deck.

What was Gargiulo's situation on board the ship?—He was captain of the ship.

Was he acting captain, or master?—I was acting captain, by the order of her Majesty. All the orders from her Majesty were given to me, and by me to the master of the ship.

Did Gargiulo's duty call him to attend the bedrooms, or the person of her Royal Highness?—No; most assuredly not.

Was it his duty to attend her Majesty, unless an order was given him by you to do so?—No.

Was he in the habit of coming into her Royal Highness's room of his own accord?—He might have done it of his own accord; but he could not without receiving some orders from me.

Was it his duty to take orders from you?—Yes.

Do you know where Bergami slept on board your vessel?—On the return from Jaffa, I do not know where he slept.

Where did he sleep on the other voyage?—On going out, in the dining-room.

Allow me to ask you if there was any gun on deck?—Yes.

Did you ever see the Princess sitting on that gun with any person?—No.

Did you ever see her sitting in the lap of any person on board that vessel?—No.

Did you ever see her with her arms round the neck of any person?—No.

Or kissing any person except perhaps the child Victorine?—No.

During the whole time you had the management of this vessel, and the Princess was on board, did you see the slightest impropriety or indecency in her behaviour towards Bergami, or towards any other person?—No.

Do you remember Bergami's going to land at Terracina?—Very well.

Did you see him take leave of the Princess?—I did.

Describe what was done on that occasion?—He kissed the Princess's hand on leaving the ship, which was done by all persons on taking leave.

How long have you been in the navy?—Sixteen years.

You wear some orders; what are they?—The orders of Merit and Fidelity of the King of Naples.

When did you obtain them?—On the occasion of taking several privateers when serving in the Neapolitan navy.

Did you receive the King of England's permission to wear those orders?—One I have.

*Cross-examined.*—[The voyage from Jaffa to Syracuse occupied nearly a month. He had not the original *memoranda*, but only a copy made in a voyage from Messina to Syracuse. On being strictly cross-examined, he admitted, that it might be more than a month, and afterwards that it might be near two months. He was then ordered to withdraw; and Lord Erskine urged, that he ought either to be allowed to refresh his memory from his *memoranda*, or the House should take his evidence with all its imperfections. The Chancellor agreed, that he should be al-

lowed to consult his *memoranda*. The witness was recalled, and questioned as to these *memoranda*, which he stated, with some confusion, to be only partial, but faithful as far as they went. The Solicitor-General then renewed his cross-examination. The witness after stating, that on the voyage from Tunis to Jaffa, Bergami slept on a bed in the dining-room, was asked:—]

Do you mean to swear that from that bed the bed of the Princess, when the door was open, might not be seen?—I should think not.

Now, then, it is only you should think not. Did you never stand in such a position as to see?—No.

Now, under the tent on the deck, there was a bed; was there also a sofa?—There was a sofa and a bed.

Whose bed?—I believe Mr Austin's.

Who slept in it?—I do not know.

Do you mean to swear that you do not know that the Princess slept in that bed?—The Princess slept on the sofa, not on the bed.

Near that bed?—Not very near.

How far off?—As far as I am from that seat.

Three or four yards?—We will say three yards.

Will you swear that there was an interval of three yards, or any thing like three yards, between the bed and the sofa?—Between the extremity of both there was a great deal more.

But was there more than a yard between the nearest point of both?—Yes, most assuredly, more than two yards.

Where did the Princess sleep? on the sofa?—Yes.

How did you know that?—Because I had occasion to see when I went in one night.

Is that the only reason you have for knowing it?—Having seen her there, I conceived she always slept there.

Who slept on the bed?—I do not know.

For what purpose was it put there?—I have seen it used for the purpose of sitting upon it during the day.

Do you mean to swear that it was put there for people to sit on during the day?

—I saw it used for that purpose.

Do you mean that it was placed there

for that purpose?—I do not know any other purpose.

Did you never see Bergami in that bed?—I never saw him in the bed; I have seen him upon it in the day-time.

But you have never seen him lie upon it in the day-time?—No.

Do you mean to swear that you have never seen him lie upon it in the day-time?—I do.

Had you never any curiosity to inquire where Bergami slept during the whole voyage from Jaffa to Syracuse?—No, I had other duties to attend to, such as navigating the ship, to carry her Majesty to different places where she went.

Have you any doubt that Bergami slept in that bed in the tent during that voyage and the whole of it?—I cannot say where he slept; I never went to inquire where he was, or what he did; I can only repeat that I never saw him in bed there.

I repeat the question. Have you any doubt that he slept in that bed every night on the voyage from Jaffa to Syracuse?—I cannot state it.

Have you any doubt upon the subject? I repeat the question.—I certainly must doubt whether he slept there. I do not know whether he slept there or not, but I never saw him there, and I do not know where he slept.

Do you mean to swear that you entertain doubts about his sleeping there?—When I never saw him there, I have reason to doubt that he did not sleep there.

Do you mean by that to say that you believe he did not sleep there?—I believe he did not sleep there.

Where did he sleep?—I do not know.

Did you ever see him sleep in the cabin on the voyage from Jaffa to Syracuse?—I never went into the cabin to see whether he was there or not.

Did you ever see him during any part of that voyage sleeping in the cabin?—I did not. I never went into the cabin to see whether he slept there or not.

Did you ever see him one single night sleeping in the cabin?—I do not recollect.

Then you do not mean now to repeat that you believe he did not sleep in the tent?—I mean to repeat that I do not know where he did sleep.

Do you mean to have it believed that you do not believe that he slept in the tent?—I believe he did not sleep in the tent.

What is your reason for believing that he did not sleep in the tent?—Because, when I went to see her Majesty, I did not see any one there.

Was it light or dark?—It was dark. (Laughter.)

Of what country are you a native?—I was born in England, but I am partly an Irishman.

Going in then only when it was dark, and not seeing him there in the dark, do you mean to say he was not there?—The light from the binnacle was sufficient to give me an opportunity of seeing whether he was there or not; the light of the binnacle shone in at the place where I opened the tent.

Then you mean to swear that at that time Bergami was not in the bed?—Yes.

Attend to the path you have taken, and answer me, whether upon the night when the Princess called you, and when there was a light from the binnacle, you will swear that Bergami was not upon the bed?—I do swear it.

Was that the only occasion when you saw that bed when Bergami was not there?—I have gone there frequently when called for, and have seen the bed in the same position, and he never was there.

You have told us you had the command of the polacre; who navigated her?—I did.

Who gave orders to the sailors?—Generally the captain, but the orders came from me.

Did you do any thing more than direct the ship to be steered to a certain place to which she was to go?—I did not particularly direct her to be steered to any place; I only gave orders to the captain to execute the duty of the ship.

Did he not execute those duties as captain generally do, by directing his crew?—I conceive he did.

Then in navigating the vessel had he not the whole management?—He had not, because it was given to me by her Royal Highness.

You mean to say that you gave orders for navigating the vessel?—Navigating and manœuvring a ship are different things.

What do you mean by saying that you navigated the ship?—By navigating, I mean directing the course to be steered, and giving orders to the crew occasionally.

Then you did occasionally give orders for navigating the ship?—Navigating includes manœuvring the sails as well as directing the course which should be steered.

Did you direct the manœuvring the ship?—Sometimes I did, sometimes not.

Was it not in general done by Gargiulo?—Sometimes he was not on deck, and I had occasion to do it myself.

Was it only when he was not on deck that you had occasion to do it, then?—Sometimes I have done it also when he has been on deck.

Was it not generally done by the captain?—As to the working of the ship, I think he generally did it more than myself.

Do you usually write in Italian or in English?—In Italian sometimes.

Do you usually write in Italian or in English?—In both.

You must perceive that this is no answer to my question. Do you usually write in Italian or English?—In English, generally, sir.

Was the account you kept of the proceedings of the ship in Italian or in English?—In Italian.

Was it written by yourself?—The account was written by the clerk.

I mean that account to which you referred yesterday?—By the clerk.

Was he an Italian or an Englishman?—I don't know which he was.

Was he your servant?—No.

How long were you on board the vessel?—Several months.

In the polacre, do you mean?—Yes.

Was the account of the ship kept in English or Italian?—In Italian in the log-book.

Was it from the log-book you took these copies?—Yes.

By whom was that log-book kept?—By myself. It was a private memorandum made by myself.

Do you mean that the log-book was a private memorandum made by yourself?—It was not exactly the log-book of the ship, but a private memorandum. I considered it a log for my own private purpose.

Then by whom was it kept? by yourself or the clerk?—It was kept by myself and by my direction, but some of the entries were made by the clerk.

I ask you whether he was an Italian or an Englishman?—An Italian.

Did you not tell me just now that you did not know what he was?—I believe he was either an Italian or a Sicilian.

Did you not, in answer to a question just now, tell me that you did not know what countryman he was?—

Mr DENMAN.—That question was not put. (*Order, order.*)

The SOLICITOR-GENERAL.—It was.

Mr DENMAN.—If I am called to order by the house, I must address myself to your Lordships.

Mr GURNEY then read the former question and answer, and the last question was repeated.

Witness.—I do not know what he was, but I believe he was an Italian or a Sicilian.

You say he wrote only in part; was the part which you wrote in Italian or in English?—The part I wrote was in English.

Did you tell me that the log was written in Italian?—Yes.

Now you say that part was written in Italian, and part in English?—Part in both, to the best of my recollection.

[The witness here became overpowered by indisposition, and fainted. He was then removed from the bar.]

The witness, being recovered by the fresh air when removed out of the house, was brought back. Some peers expressed a wish that he should be accommodated with a chair, but Mr Denman said he did not require it, being then perfectly recovered.]

Witness, you told us in a former part of your examination that Pasconani was your servant, and you told us in another part that he was not your servant; be so good as to tell me to which of these stories you adhere?—I mean to adhere to both. I say he acted as both.

Do you mean, sir, to say that he was your servant, and that he was not your

servant? Is that your answer?—I mean to say that he was so far my servant on board the ship that he took up and down stairs my coat; sometimes wrote for me; but that he was not kept in pay by me as a servant, for he was one of the sailors, one of the crew.

You, then, as you say, having kept one part of the log, and this Pasconani the other, may I ask which of you kept the greater part?—I think I did myself; but it is impossible for me now to say, not having my eyes on the book, it not being here before me at the present moment. I may be mistaken, so I cannot say.

But the most of it, you are sure, was kept in English?—There was some English and some Italian.

Then if you said a short time ago, and at first, that the whole of the book was Italian, you said an untruth.

Mr DENMAN said he could not suffer his learned friend to cast this aspersion on the witness; it was unjust.

The SOLICITOR-GENERAL replied, that as the question was objected to, he should not press it in that form; he would, therefore, withdraw the former question, and put this instead of it:

Did you not say a part of the book was written in English?—I told you so, perhaps; but what I said at the moment was when I was so circumstanced by indisposition that I knew not exactly what I said.

Then do you mean now to say that part of the book was written in the Italian language, and part in the English? is that what you mean to say?—Yes, it is.

Which is the greater part then, in the English or the Italian?—I cannot say with very much accuracy.

Was there, however, a considerable part of it in English?—I really cannot say; I think there was.

How much?—I think as much as one as in the other.

Do you mean to say that the greater part was written in English?—About the same in one, I think, as in the other.

[The Solicitor-General beginning to read the paper, and put questions upon it, Mr Denman objected to this proceeding. The Chancellor said that, while the witness referred to the paper, it was quite competent for the lawyer to look over it,

but no more. The witness was then recalled.

A number of entries being then examined, they were found to be all written in Italian.]

Look at the paper, I beg of you, and see if you can discover a single entry in it, during the whole of that voyage, in the English language?—No, there is not.

Does that paper come down to the return to Messina?—Yes, it does.

And every entry, from beginning to end, is Italian?—Yes, in this paper.

Now I ask you to look at this paper, and see if you can swear whether any part of it is in your own hand-writing?—No, I cannot say it is.

WILLIAM CARRINGTON, re-examined.

[The witness being reminded of his statement of not having been in the service of his Majesty previous to serving in the Poitiers, replied, that he understood the question to relate to his being at sea with Sir John Beresford. He had served also in the Namur and the Majestic.]

Lieut. JOSEPH ROBERT HOWMAN,

[Joined the Princess at Genoa. Was roused one night by an alarm, first given to him by Bergami, who came into his room. On reaching the hall, he found the Princess and many of the servants assembled. Never saw Bergami breakfast or dine with the Princess at Genoa. He first began to dine occasionally in a journey over St Gothard; and some time after began to dine regularly. The witness accompanied the Princess in the long voyage.]

Do you recollect where Bergami slept at Tunis?—I recollect his pointing it out his room.

Did you see him in the room using as his own at the time?—Yes.

Was that room in which you saw him near the room of the Princess?

Describe, if you please, the different situation of the two rooms?—The Princess's room was the only room up a flight of stairs that any person of the house occupied, I believe.

Whereabouts was the Princess's room?—There were several rooms between the flight of stairs and the Princess's apart-

ment; that is to say, they were 3 or 4 rooms apart.

Was Bergami's room on the same story or floor as the Princess's?—It was not.

Did you afterwards, in the course of the voyage, land at St Jean d'Acre?—We did.

In what way did the Princess travel from St Jean d'Acre to Jerusalem?—Upon an ass.

Is that the usual mode of travelling in that part of the world?—On asses or mules, or in a palanquin.

How did you travel yourself?—On a horse.

Was the course of your travelling to proceed by night, and to lie by day?—It was.

In what manner did the Princess rest during the day?—Under the tent.

Did you observe whether the Princess, before she lay by for the day, appeared fatigued or not?—Excessively so.

Did that appear the case during the whole of the journey from St Jean d'Acre to Jerusalem?—Yes.

Did you make any particular observation as to the nature of this fatigue?—I have seen the Princess fall from the ass more than once.

Towards the latter part of the night?—Towards the morning.

Do you recollect whether on your voyage to St Jean d'Acre there was a tent on deck?—Yes, there was.

On the outward voyage was this tent constantly erected on deck, or only occasionally?—Occasionally, to protect the Princess from the sun or wind. In fact, it was the awning of the ship.

You re embarked at Jaffa on your return?—We did.

Was the weather at that time hot or otherwise?—Excessively hot: it was the month of July.

Had you any cattle on board the vessel?—We had.

What did it consist of?—Horses and asses.

Had you more on board on your return than you had on your voyage out?—We had none going out.

In what part of the vessel were these animals kept?—In the hold.

Did they make any noise in the course of the night or the day?—The general noise of horses and such animals.

Was there any smell occasioned by the animals being put into the hold?—Yes, certainly.

Where did her Majesty sleep on the voyage from Jaffa homeward?—In the tent on deck.

By whose direction was the tent put up?—By direction of the Princess.

What did the Princess say to you?—As to the tent I do not care about it; I would as soon sleep without it.

What was the occasion of the Princess's sleeping on the deck during the return voyage?—In consequence of the excessive heat and the animals on board.

Do you remember any circumstance relating to the light being kept in the tent?—I do.

What was it?—The Princess in the previous part of her journey used to sit on deck till a late hour with this light. On leaving Jaffa reports were in circulation of Tunisian vessels in the Archipelago. I stated that it should not be kept on deck all night, as it served as a mark to vessels cruising in those seas.

Had you, in point of fact, seen any Tunisian vessels yourself?—Yes, we had seen one at Scios, and another at St Jean d'Acre.

Do you know of your own knowledge whether they had plundered any vessel?—I only knew it from report.

Did you, in the situation you held, think it a matter of duty to give that advice to the Princess?—I did.

And, in consequence of the advice, was the light put out earlier?—Yes.

What was the hour at which it was generally put out?—It might be from 9 to 10 o'clock, or later.

How many sofas were there on board the *Polacre*?—Four.

Do you know in what part of the ship they were placed?—Two were lashed together in the Princess's cabin, and two in the Countess of Oldi's cabin.

Was there afterwards any alteration made in their situation?—The Countess sent one out of her cabin.

Where was it sent to?—It was occasionally on deck during the first part of the voyage, and always after we reached Jaffa.

Do you mean that it was beneath the tent?—Yes.

What was there besides the sofa beneath the tent?—An English travelling-bed.

Do you know whether there was any communication open between the tent and the part of the vessel below?—There was a ladder which went down into the dining-room.

Did the Baron Ompteda dine at the table of her Royal Highness whilst her Royal Highness was residing at the Villa Villani?—He did.

Did he stay late on any of those occasions? Did he, I mean, stay over night?—He did.

Was there a room in the household of the Princess which was commonly regarded and called the room of the Baron Ompteda?—There was.

Was Majocchi then in service?—He was.

Have you ever held any conversation with Theodore Majocchi on the subject of the Baron Ompteda, or of the capacity in which he appeared to be acting?—I believe I have had conversation with him on that subject.

Well, then, in consequence of any thing that occurred at that time, or of any directions which you received from her Royal Highness, did you do any thing, as regarded the Baron Ompteda?—I called him out.

Did you conduct yourself afterwards towards him, in any peculiar way?—I saw him afterwards at Rome.

Did you then do any thing in relation to him?—I desired the servants not to molest him.

Was Majocchi at that time one of the servants?—He was: at least I am almost positive that he was.

How was her Royal Highness received at the different courts where she appeared during the course of her travels?—In the usual way, and according to her rank.

What was her own demeanour?—Filled with majesty and grace.

How was she ordinarily received?—With all due and proper attendance.

[The witness mentioned that the Princess passed but one night at Trieste, which she spent in going to the opera.]

Did you observe any thing improper, indecent, or degrading to her station, in

the conduct of her Royal Highness?—No.

Not towards Bergami?—No, never.

What was the salary that you received for being in attendance on her Royal Highness, or as being in her service?—Two hundred pounds a-year.

Is that allowance still continued?—It is.

*Cross-examined.*—You have seen her Royal Highness dining with Bergami, when he was a courier, in his courier's dress; you afterwards saw her walking with him at the Villa d'Este, arm in arm; you also saw them go out alone, in a boat together; and you have stated that Bergami, after a certain time, dined regularly with her Royal Highness; do you think this conduct was, or was not, degrading to her Royal Highness's situation?—I never saw her Royal Highness walk arm in arm with Bergami till he began to dine regularly with her.

You must perceive that is no answer to my question. I beg to put it again, whether you consider that which you have stated as degrading to her Royal Highness or not?—I do not.

Did you never desire her Royal Highness not to admit Bergami to her table?—Not to my recollection, I did not.

Nor any thing to that effect?—Nor any thing to that effect.

Then you never entreated her Royal Highness not to admit Bergami to her table?—I never did.

Then, if you never did entreat her Royal Highness not to admit Bergami to her table, you could never have represented to any person that you had done so?—I don't think I ever could.

I don't ask whether you could or not, but whether you did or not, state that you entreated her Royal Highness not to admit Bergami to her table?—I am confident I did not.

You are positive you never did?—I am positive I never did. I feel convinced I never did.

Have you never stated "that you entreated her Royal Highness, on your knees, with tears in your eyes, to dissuade her from admitting Bergami to a seat at her table, without success"?—Never: I never did such a thing.



Do you know Captain Briggs?—I do. Now, sir, I ask you, upon your oath, whether you ever stated this fact to him?—Upon my oath I do not recollect the circumstance.

Will you swear that you did not state this fact to Captain Briggs, “that you entreated her Royal Highness, on your knees, with tears in your eyes, to dissuade her from admitting Bergami to a seat at her table, without effect?”—I have not the smallest recollection of having stated that to Captain Briggs.

Did it not happen on the day when the Princess came to visit Captain Briggs? and did you not complain that she made Bergami her companion?—The witness answered—I do not recollect saying any thing of the sort to Captain Briggs.

Will you swear that you did not?—I will swear that I have no recollection of it.

If such a circumstance took place, would you not recollect it?—It is such a circumstance as, I think, I should recollect.

Why, if the fact be true, can you have any doubt that you would recollect it? and if not true, can you hesitate to swear that it did not take place?—It is some years ago, and I cannot recollect the time.

You have already sworn that the fact of your having entreated her Royal Highness did not take place; would you state it to have taken place if it had not?—The fact is not true. I did not do it.

If it were not true, could you have represented such a thing to any person?—I do not recollect it. I do not think I did.

Have you any doubt on it?—I have not. Am I to understand that you will swear that you did not state to Captain Briggs what I have repeated?—I will not swear to things I have not any recollection of.

What do you believe? Do you believe you stated it or not?—I don’t believe I did.

Then you will swear you do not believe that you did state this to Captain Briggs; but you will not say positively that you did not? Am I to understand that as your answer?—Yes.

After Mr W. Burrell left, when you were at the Villa d’Este, was not her Royal Highness in the habit of amusing

herself in the evening with the servants?—Frequently.

Did her Royal Highness join in those games or amusements?—Yes, I have seen her play at the game of *colin-mallard* (blind man’s buff.)

Were there not several games at which they played?—Yes, there were many *petits jeux*.

Was not one of the pieces a pantomime?—Yes, I think it was.

Who performed the part of Harlequin?—I have seen Louis Bergami in that dress.

Having now recollected, then, that Louis Bergami was dressed as Harlequin, do you recollect that her Royal Highness performed the part of Columbine?—I do not recollect her Royal Highness performing the part of Columbine: the circumstance is not sufficiently impressed on my memory to say that it was so.

You do not recollect that it was not so?—I have no recollection the one way or the other; I do not recollect it.

Do you remember any part performed by her Royal Highness that evening?—I think she performed the part of an automaton. (*Laughter.*)

What do you mean when you say that you think her Royal Highness performed the part of an automaton?—It is so long since that I do not recollect the history of it. It was something respecting a man who wished to sell an automaton; which was a woman, in fact, who could wind up any thing. (*General laughter.*)

Was the Princess, her Royal Highness, the automaton?—She was.

Where did Bergami sleep on the return from Jaffa?—I do not know where he slept.

Have you never seen him on deck by day or night?—I have seen him by day under the tent, as every body else.

Where did you see him?—on a bed?—I have seen him sitting either on a chair or that travelling-bed.

You have stated that Bergami slept first in a cabin, then in the dining-room; I ask you where he slept on his way home from Jaffa?—I have not seen, and I do not know.

Do you not believe that Bergami slept under the tent?—I heard he did, and I believe he did.

[After some discussion as to the precise terms used by the witness,]

I ask you again if you do not believe, that on the return from Jaffa Bergami slept constantly under the tent?—I heard that he slept under the tent, and I believe he did.

Don't you believe he slept under the tent?—I have said so already.

And, believing that, I ask you whether you think that was degrading or not to her Majesty?—No, I think it was necessary that some one should sleep near her Royal Highness on that occasion. I heard that other people slept there too.

I don't ask you about that, but about your belief whether Bergami's sleeping there was, in your judgment, degrading to her Royal Highness's station?—No, I never thought it was.

During the voyage and journey to the East, was there any additional order conferred on Bergami?—I don't know whether it can be called an order. The thing was spoken of by her Royal Highness many months before she set out on the journey. She said she would make a little recompence to those who accompanied her, and give them some mark of distinction as a memento, rather than a recompense.

I asked you if there was any additional order conferred on Bergami?—There was.

What was it?—It was called the Order of St Carolme.

Was he one of the knights of this order?—He was.

Was he Grand Master of the order?—I believe he was. It was so said in the diploma.

Was there any other order conferred on Bergami during that journey?—Yes. The Order of St Sepulchre.

Do you know whether that order was purchased for Bergami?—I have got the slightest idea. I don't think it was.

Was there any other person who received that order?—There was; Count Schiavini and William Austin.

Were you present when that order was conferred on Bergami?—I was.

Where was it?—It was a place called the Temple of the Resurrection, near Jerusalem.

In going to Jerusalem, did you repose under tents?—We did.

Did you repose by day?—By day.

You travelled by night?—Yes, and reposed by day.

Do you know where Bergami reposed during the day?—No.

Do you believe he reposed under the same tent as her Royal Highness?—I do not know; I never saw him do so.

I ask you whether you do not believe that Bergami reposed under the same tent as her Royal Highness?—He may, or he may not; I do not know.

What is your belief?—I dare say he did, but I do not know.

I ask you again if you do not believe that he did?—I do not know positively, and I can only believe as far as I have knowledge.

I ask you as to your belief?—He may, or he may not.

Did you see him in any other tent?—No, I did not. I retired to my own tent when I came off my horse, and there I slept till dinner-time.

Did you ever see the wife of Bergami?—No.

Did you know any other of Bergami's family besides Louis Bergami?—Yes; there were others in the family.

Having seen these relations of Bergami dine at her Royal Highness's table, I ask you, did you ever see the Baroness Bergami there?—Never.

Neither at the Villa d'Este, nor at Pesaro, nor at the Barona?—Neither at one nor the other.

How far is Barona from Milan?—Two miles.

Then am I to understand that you have seen his mother, his brother, and others of his relations, dining at her Royal Highness's table; you never saw his wife there at any time or in any place?—I never saw his wife.

How long were you in the service of her Royal Highness?—Three years.

Did the Baroness Bergami never come to see her child at her Royal Highness's house during the whole of that period?—I never saw her.

Re-examined.—You have stated that you believed Bergami to have slept under the tent: what was your reason for believing so?—During the squalls which occurred whilst we were off the coast of Caramama, and which made her Royal

Highness go below, Bergami told me that the sea came into the tent: now, he must have been in the tent to have known it.

You have stated, in answer to my learned friend, that you thought it necessary that some person should sleep near the Princess, under the tent. I now ask you what, as you believe, was the ground of that necessity?—It was never mentioned to me, but I never considered it otherwise than necessary; for the Princess to have been sleeping on deck by herself would not have been right at all.

You have stated that Bergami was made Grand Master of the Order of St Caroline; do you know who were appointed the knights of that order?—I was one myself, Flynn was one, so was William Austin, as well as Hieronymus, and, I think, Cameron. I think Dr Mochetti was one also, in consequence of his coming as far as Naples with her Royal Highness; but he was not able to come on, by reason of his not getting his passport in time from the Austrian government.

By EARL GREY.—When you stated that you thought it necessary that some person should sleep with her Royal Highness, did you mean to state that you thought it necessary that some male attendant should sleep near her Royal Highness?—I did.

Under the circumstances under which you believe Bergami to have slept under the tent, did it convey to your mind any suspicion of an improper connexion between him and the Princess?—No, it did not.

The EARL of LIVERPOOL.—Do you know whether the Barona belongs to Bergami?

MR DENHAM wished to learn what means of knowledge the witness had possessed.

Do you know whether Bergami is in possession of the Barona?—I do not know at this moment.

Has he ever been?—I believe it was his, but I do not know.

Was not the name changed to the Villa Bergami?—I think it was.

By the EARL of LIMERICK.—On the occasions when you state that you believe Bergami slept in the tent, had you rea-

son to think that any third person, male or female, slept in the tent?—I do not know.

Can you swear that you never saw Bergami kiss the Princess?—I will swear that I never saw him kiss the Princess.

I understood you to say, on a late part of your cross-examination, that you thought it necessary that a person should sleep under the tent with the Princess: I beg to ask from what you conceive that necessity to arise?—I never represented the necessity myself; but, on the occasion of speaking of it, I must confess I thought it necessary for somebody to be near her Royal Highness. A woman alone on a ship's deck at sea, I should think perfectly authorized in having some person near her.

I beg to ask you whether you would like your wife—(No, no, and some laughter)—would you have any objection, or conceive it improper, that Mrs Hownam should so sleep in a tent with a male person?—Every man, I trust, looks at his wife without making any comparison or exception. I never made any comparison.

Then you cannot form any opinion upon it?—I cannot.

I beg to know whether you see any impropriety, situated as the tent was, with the hatches open, in a male and female so sleeping?—I do not conceive that there was any impropriety, because if there had been, I must have felt it. I have seen the Princess in so many situations during her travels, that I do not look upon it as improper.

What do you mean by saying that you have seen the Princess in so many situations during her travels?—I have seen her under a sorry shed at Ephesus, under which we should hardly put a cow in this country, in the midst of horses, mules, and Turks. It did not strike me as improper.

You said that the Princess played the part of an automaton?—Yes.

You said that the automaton was sold, and consequently bought. What did the automaton do?—was she sitting, lying, running, or what?—In a box, standing up, I think.

Do you think that these acts stated by you are consonant with the high dignity

of the royal personage about whom we have been speaking?—I do not think them any derogation from her Royal Highness's rank, knowing the pleasure she takes in that sort of entertainment.

Earl Grosvenor.—Had you any reason to believe that after the affair of Ompteda, and the attack on the Princess's house at Genoa, from that or any other circumstances, that her Royal Highness entertained apprehensions for her personal safety?—I know she did, because she mentioned it to me.

And in consequence of such apprehensions expressed to you, do you know that she deemed it necessary to be more closely attended than formerly by the male part of her family?—Yes; I have heard her frequently say, after the attack, that she would always have some male person near her.

By the Marquis of Downshire.—I wish to ask whether any circumstance occurred at the residence of her Royal Highness, which, coming to your knowledge, occasioned the quarrel between you and Ompteda?—It arose from the confession of a servant. I saw the servant on his knees begging pardon for his crime.

A Prince.—When you saw this man on his knees before her Royal Highness, did she make any reply to what he said?—She forgave him.

Duke of Arrol.—Was it for the Princess of Wales's safety you considered it necessary that a male domestic should sleep there?—Her Royal Highness thought so, and I did not think otherwise.

You have already stated, that, in your opinion, it was necessary; but that that opinion you did not communicate to her Royal Highness. From your last answer, however, it appears that the Princess of Wales made a communication to you. I ask, did her Royal Highness actually communicate to you that there was such a necessity?—Not on that occasion; but after the affair at Genoa.

What was the danger to be apprehended on board the polacre?—I don't know any immediate danger.

Was there any danger?—I do not know of any immediate danger—of any personal danger. If I had thought there was danger, I should not have been easy in sleeping below.

Earl of Darlington.—Do you believe that Bergami reclined on the other bed with his clothes on?—I do not think that Bergami ever took his clothes off either, in the tent. I never saw any clothes on that bed.

Do you know where her Royal Highness changed her clothes on the return from Jaffa? in the tent, or below?—Below, in her cabin, I should think. I never saw her change her clothes on deck. (*A laugh.*)

I apprehend you never saw her change her clothes?—No, not anywhere.

I ask you how long it is since you have seen Capt. Briggs?—I saw him at Portsmouth about two months ago.

Had you any conversation with him on this subject? Did any conversation pass between you and him on this subject?—On the subject of this inquiry?

Yes, about this inquiry?

The Attorney-General objected to conversation being received as evidence.

Witness.—Captain Briggs declined having any conversation on the subject.

And you have never had, to the best of your recollection, any other conversation with Captain Briggs since you were on board the Leviathan?—I never had. I have only seen him once.

If you had ever had any conversation with Captain Briggs, do you think you would recollect it?—I think I should.

By Lord Ellenborough.—You say Captain Briggs declined having any conversation on this subject. Did you propose any such conversation?—The object of my going was that. It was for myself.

What was your reason?—I had heard that Captain Briggs was coming as a witness against her Majesty: I thought it could not be so, and declared at the time that I thought it could not be so; and I thought I would go and ask him myself.

What did you ask Captain Briggs?—I asked him if it was a fact that he was coming as a witness against her Majesty.

What answer did he give?—He said he thought he should be called; and added, that his testimony should be nothing but what was honourable and just.

Was that the whole of his answer?—I think so; I don't recollect any thing more.

In that answer Captain Briggs did not decline any conversation?—He told me he could not enter into any conversation on the subject.

Did you ask him to enter into any farther conversation?—No; I did not press Captain Briggs to enter into particulars. I only asked him if he was coming as a witness.

Earl of LAUDERDALE.—Are you a Knight of the Order of St Charles?—I am.

Have you a diploma constituting you so?—I have.

Can you produce it?—I can.

Duke of CLARENCE.—The witness being aware that there was none on board used to the sea except himself and Lieutenant Flynn, did he offer his services in sleeping under the tent with her Royal Highness?—*(A laugh.)*—I have not.

You stated that the English seaman was discharged; where was he discharged?—At Athens.

How long was he on board the polacre?—Does your lordship mean actually on board, or belonging to the suite?

Actually on board?—Two months.

What was the reason of the discharge of the seaman?—A quarrel or fight with the cook.

By Lord CALTHORPE.—I think, Mr Hownam, you were commissioned by her Royal Highness to convey some message to Captain Pechell, on board the *Clo-rinde*?—I was.

Do you remember what the instructions were that her Royal Highness gave you on that occasion?—I don't recollect them, word for word; but the purport of them was, that she would keep her own table, in fact.

Do you recollect whether those instructions were accompanied with any observations, on the part of her Royal Highness, as to Captain Pechell's conduct towards her?—I do not.

Do you know whether any spies were ever employed to watch her Royal Highness's conduct?—Only from the confession of Maurice Credi.—*(No, no)*

By Earl GROSVENOR.—Does the witness know the Duke or Duchess of Polognia to have dined, at any time, with her Royal Highness?—I think they have.

Does the witness know whether the nephew of the Duchess, Carlo Forti, ever waited at table?—This is the first time I ever knew that Carlo Forti was the nephew of the Duchess of Polognia.

Then, I ask, did he ever so wait?—He never waited at table.

By Lord DUNCANNO.—Did not the swell of the sea, occasionally, make female attendance upon her Royal Highness absolutely impossible?—When there was any sea, all the female attendants and the Countess were as ill as her Royal Highness herself, and consequently could not well attend her.

GRANVILLE SHARPE, Esq.

[Had been nine years in India, and often seen the Moorish dance performed by Mahomet. Conceived there was nothing indecent in it, or which might not be seen by ladies. Had seen the Marchioness of Hastings present at the exhibition.]

SANTINO GUZZIARI,

[Was a factor to the Princess, and employed in overlooking the work. Knew the grotto in which were the statues of Adam and Eve. Sketched a plan of it, and of the rooms attached to it. It was impossible that any one standing in the position described by Ragazzoni could see what he pretended to have seen. His plan was not accurate as to the dimensions, but exhibited a faithful representation of the disposition of the various parts of the rooms.]

GIUSEPPE CAROLINE,

[A master mason also employed in the grotto, gave similar testimony.]

Whether, from the place where the scaffoldings were set up in order to work at the cornice, any person could see the statues of Adam and Eve?—In no way could those statues be seen, because the passage is all winding.

Do you mean the passage from the square or octangular room to the place where the statues were?—Coming from the octangular room there is another room, then another passage, and then another room, where the statues were.

Was the passage you have just descri-

bed the winding passage to which you alluded?—Yes, winding, and there are steps.

Were you paid as you did the work, or was your bill suffered to run up?—Before her Royal Highness set out on her long journey I was paid regularly; but after her departure I entered into a contract of 75,000 livres. I did the work under the directions of Ratti, who was the engineer or architect; he made me build several other things, amounting in all to 145,000 livres.

I ask you if you saw Rastelli at any time when that sum was owing to you?—I did.

Do you remember any mention being made of that sum by Rastelli; or did he speak about the payment?—He asked me what was the amount of my credit against her Royal Highness, and I answered, that, deducting what had been paid, it was 45,500 livres.

Was any thing said about the manner of your being paid?—There was.

[A good deal of discussion ensued as to whether this conversation with Rastelli could be received as evidence. At length the following questions were allowed to be put:]

Did Rastelli offer you any money?—He told me, if my account was not liquidated, to give it to him, and he would contrive to get me paid.

Did Rastelli say what you were to do for that?—He told me to give him my account, for there were Englishmen at Milan, and he would see me paid.

Did Rastelli say what you were to do for getting the bill paid?—He told me that if I had any thing to say against her Royal Highness, for I had been long in her service, to tell him, and he would endeavour to make me be paid.

At the same time of which you are speaking, had you any further conversation with Rastelli about what he was doing?—

[After a great deal of discussion, the question was put as follows:]

At that same time of which you were speaking, had you any conversation with Rastelli about what he was doing as to the witnesses?—The first time that I had any conversation with him I was coming from the states of the Pope, and had a

conversation with him in an inn. And afterwards I have had conversations with him in other places; but then we talked a little on this subject, and then turned to other discourses. Another day, when I was coming out of the custom-house at Porto Tosso, I met him, and we were then talking about the witnesses. He told me he had gone to my country (Cazzoni) about witnesses, and that, while there, he went to ask one witness, and that witness went to ask another, and that one another. Then they came to dine together, and then he asked them if they wished to depose against her Royal Highness; and then he asked them if they would go to Milan with him. (Some objection being made to the translation "if they wished to depose," the interpreter corrected it into "whether they were willing to depose.") They breakfasted at Bredati, coming from Cazzoni; from Bredati they went to Mosoc, and there they dined. When they arrived at Milan, they went all together to the inn of St Clement's. When they were at the inn, Rastelli told the innkeeper to give them every thing that they wanted for their victuals. And thus, one after another, he took them before Vilmarcati, and the other agents that were there.

I ask the witness whether Rastelli said any thing about paying them money?—He told me he had given them money; that he had kept them seven days in the inn, and had paid them 40 francs each.

Did he say any thing about the expenses besides?—He told me he had given all these people who came from my country 40 francs, but to Ragazzoni he had given 50 francs. He also gave 50 francs to Brusa.

Any more?—He gave 40 francs to Paolo Ragazzoni, and 40 francs to Bai.

Any one else?—I think to Francisco Rosa, but I am not sure; Ambrosia Gaurini, of Leghorn, also had money.

*Cross-examined.*—What have you been paid for coming here?—Pay I have not received; but I made my calculation about my business, and the time I had lost with an architect, and another person, a doctor or advocate, whom General Pino sent to me, wishing me to make this writing, because my wife and children would not allow me to go. At Michaelmas-time,

at Milan, people change their houses, and there is much more to do for people of my business; and I was obliged to get another man to go on with my business. Another man I sent to the country, to attend to my workmen; for my son I could not send, because he conducts my business at home, and pays the men. And, lastly, I could not undertake any business for any other time, because I did not know how long I should be absent. They told me I should be absent about two months: and whenever I cannot take work at that time of the year, I must want it the whole year. On this I made my calculation; and thus they agreed to give for the year's loss 2100 francs.

Besides that, are your expenses paid?—They are.

Now you have told us of a bill that was due to you from her Royal Highness, the Princess of Wales: has that been since paid?—She has paid me entirely.

When was that paid?—I had been paid, partly, at the end of January, and I was paid further in March or April of the year 1819.

You have told us of some conversation that you have had with Rastelli, and of meetings of witnesses; I want to know whether that money was so paid by her Royal Highness after or before those meetings?—When I spoke to Rastelli about this business, I had not yet been paid by her Royal Highness.

How long afterwards was witness paid?—When Rastelli began to talk to me about this business, I told him that I had already received a part of the money. I had then received that money which was paid me in January; and I told him that in a short time I hoped to be paid entirely.

That is no answer. I want to know how soon after the money was paid by her Royal Highness?—Your questions confuse me. I have told you that I was talking to you of the month of March, when I was still in advance a part of my account.

I wish then to know how long it is since the last payment made by her Royal Highness?—It was made in the end of April or the beginning of May.

In this present year?—No, last year,

1819; but I cannot now particularly remember the day.

Will you swear that, besides that agreement of which you have spoken about the 2100 francs, you have not entered into any engagement with any other person or persons to receive any other sum of money?—Another sum of five or six francs per day, for my family, which was there, I was to receive; but I made no writing for it.

Besides the agreement by which you were to have your expenses paid, and the agreement about the 2100 francs, and this payment to your son, will you swear that no promise or expectation of any other payment has been made, or held out, either to yourself or any member of your family?—I contend that my days and time should be considered during the time I am away.

Do I understand you right, then, that your son is to be paid these five or six francs a-day, and that you are to receive these 2100 francs besides your expenses, and that your time is also to be paid for during your absence?—For the loss of my time it is that these 2100 francs are; for the loss of time I may sustain hereafter.

What are you to be paid for the loss of your time daily?—As they told me that in a month and a half I might return to my own country, I have asked a *Napoleon d'or* a day.

The Marchese Spinetti observed that, while he was repeating this part of the answer, the witness, addressing himself to the Queen's interpreter, had added,—I claimed it, but they did not offer it to me.

When you were talking about your coming over here, was there any mention made of your expenses—about what was to be allowed you?—No, nothing; I spoke to the architect of that offer I named, but not with him (Mr Henry.)

The sums you have mentioned, are they those which Ratti fixed when you spoke to him (Ratti) about the matter?—Yes; because I asked him his opinion, and I told him all my difficulties, and then asked him what he thought I should ask of this Englishman; which I did, he being a man of conscience: I did not know myself what to require exactly.

[In consequence of this evidence, inquiry was made after Rastelli, when it was discovered, that Mr Powell, an agent for the prosecution, had allowed him to return to Italy, where he still was. Mr Powell was in consequence sent for and examined.]

MR POWELL.

The Earl of CARMARVON.—Before sending Rastelli abroad, did you form any estimate how many days he would occupy on his journey?—I calculated that he would arrive in Milan in seven or eight days, after leaving this country.

What time was it understood Rastelli would remain at Milan?—I sent some papers by him which had been transmitted from Milan, but which required to be farther legalized, as I did not think them sufficiently so. These papers I thought would be made use of in this business, on opening of the house. I therefore expected Rastelli to return with the papers before the 3d of October.

Was Rastelli, when dispatched, instructed to go to any other place besides Milan, or was he to go direct there?—No; he was to go direct to Milan.

Does Mr Powell know of any other person who had come here to give testimony in this case, being about the same time sent back to Milan?—Not any who had been examined. Previously to the time I sent over Rastelli, there had been one sent back to Milan, but that was not a person who had been examined.

Was only one person so sent back?—I recollect only one person.

Was Rastelli one of the persons who landed at Dover?—Yes.

How soon after that period was any person who had been summoned here as a witness sent back to Italy?

You have stated that you have received letters, mentioning that Rastelli was ill. From whom did you receive them?—From Colonel Browne.

Have you got these letters?—Not about me.

Have you had any communication from Rastelli himself?—I have not, nor have I made any to him.

Did you make the application to Rastelli to go as a courier, or solely to quiet the minds of the families of those wit-

nesses that were in Cotton-garden?—I sent him to quiet the minds of the relatives of those witnesses.

Did you send him solely for that purpose?—And also for the purpose of carrying back the papers which I sent by him as a courier.

Did you instruct Rastelli to quit Milan, and to go to the families in the neighbourhood, for the purpose of conveying those assurances?—I don't recollect to have given him decisive instructions to that effect; but he was to take letters from the witnesses in Cotton-garden to their families.

Then was it by means of those letters, so conveyed from the witnesses in Cotton-garden by Rastelli, that their families were to get that assurance?—By means of those letters, and Rastelli's personal appearance at Milan, and probably in the neighbourhood. He would probably be sent from Milan to the places in the neighbourhood.

By Lord ELLENBOROUGH.—Did you send any letter to Colonel Browne on the subject of Rastelli's mission?—I did.

Have you a copy of that letter?—I have.

Have you it here?—I have it not here.

Can you produce it?—I can. It contains many things of importance on other subjects. I don't know whether in my situation I ought.

Can you produce that part of the letter which refers to Rastelli's mission without the other part?—It is all together, and the whole is a confidential communication, and I do not think myself at liberty to produce any part of it.

Earl GREY.—I understood you to state that you were in possession of a letter from Colonel Browne, giving an account of Rastelli's arrival. Can you produce, if not the whole, that part of the letter?—I consider all communications from Colonel Browne to me to be of a confidential nature, considering me as one of the agents in this case. I therefore object to the production of any correspondence to or from Colonel Browne.

Do you object to the production of that part of the letter which refers to Rastelli's omission?—If I object to the production of the whole, I, of course, object to the production of a part.



Were you not aware that it was the understanding of this House that all the witnesses who had been examined should be kept ready to be produced if necessary?—I certainly understood that, during the actual progress of the bill, that would be required.

Were you not present when the First Lord of the Treasury said that all the witnesses should be forthcoming whenever required?—Certainly.

You understood that to be the case, then?—Certainly.

Then were you not aware that it was necessary Rastelli should be kept in readiness to be produced, if required?—I can only say that I was not aware at the time that he would be called. If it had at all suggested itself to my mind, I should not have sent him.

If others of the witnesses who had not been examined had been sent, might not they have answered the purpose of assuring the families of the witnesses that they were safe?—I considered Rastelli the best person, as he had accompanied those witnesses to this country, and knew their families.

By Lord KINNON.—Were there any of those who were ill-treated at Dover injured?—One man, but he has recovered.

Were there any women amongst them?—One woman.

Is that woman still in England?—She is.

The Earl of DARNLEY.—The witness has stated that the witnesses for the prosecution are not under his direction and control. I wish to ask him, under whose direction and control are they?—I know certainly under whose control and direction they are; I consider them under the control and direction of Government.

Who, then, is the person immediately authorised by government to look after those witnesses? do you know?—There are several persons who reside with them under the same place; to take care of all of them while they are in the country.

I really do not understand that answer to that last question. In point of fact, are persons admitted to see the witnesses by Mr Powell's order; are they, sir, allowed or refused admittance by your order?—I have given directions that

persons should be admitted to see the witnesses; and certainly I have given directions that improper—that strangers should be excluded. I thought it improper that a constant and direct and free communication should be had with the witnesses, besides, I thought it inconsistent with their situation.

The EARL OF DERBY.—The witness has stated that he did not think Rastelli to be under his direction and control; then I wish to ask him, under whose authority he took upon himself to order Rastelli out of the country?—As a person assisting in support of this bill, I conceived I had a right to send him out of the country.

JOSEPH PLANTA, Esq. Under Secretary of State,

[On Mr Powell's application, gave Rastelli a passport. It was one of those kept constantly ready signed by Lord Castlereagh, but was given without any knowledge of his lordship.]

FILIPPO POMI,

[Had worked four years as a carpenter at the Barona. Knew Rastelli and De Mont, who came one day to the house in a carriage.]

Did Rastelli, on leaving the house, offer or give you any money?—Rastelli asked me, whether I had not received presents from those persons who had come; and I said, No.

Did he afterwards make you any present?—Yes.

To what amount?—He made me a present of 40 francs, or 2 half Napoleons.

Did Rastelli offer you any money to induce you to come here as a witness?—He offered me on another day, not on this day. He offered me nothing on the first day.

Nothing was given to you on the first day?—No, not on that day. But he told me that if I would say something against her Royal Highness, I should, when I had told the secret, receive *un grande regalo* (a great present.)

State, as nearly as you can, the exact words which Rastelli used when he told you that you should have a great present if you were to speak against the Princess.—He told me, Pomi, if you like you

may make yourself a man. (*A laugh.*) I asked him, In what manner? and he replied, You, who have always lived in this house day and night, you may have something to depose against her Royal Highness. I said, I have nothing to depose against that lady, she has always done a great deal of good.

Was Mademoiselle De Mont present on that occasion?—No, she was not.

Did Rastelli, at the time he made you that offer, mention the name of Mademoiselle De Mont to you?

[The Attorney-General objected to the receiving of this hearsay account of Rastelli's proceedings, when no question had been put to himself on the subject. The Queen's Counsel, however, stated, that Rastelli would certainly have been produced, and the question put, but that he had been spirited away out of the country; and the opposite Counsel were not entitled to interpose an obstacle improperly created by themselves. Lord Liverpool said, that although the alleged spiriting away of Rastelli had no foundation, yet as he had been allowed to leave the country by the agency for the prosecution, the question he thought should be admitted. This opinion was finally acquiesced in by the Chancellor.]

What did Rastelli say to you, respecting the giving of evidence and receiving any money?—He told me, if I could say any thing against her Royal Highness, now was the time, and I should get a great present.

Upon what occasion was it that you had this conversation?—We went to an inn together, and had something to drink there.

Did he on that occasion mention the name of De Mont?—Yes, he did mention De Mont.

With reference to what did he mention the name of De Mont?—Because I asked him whether De Mont was still in her Royal Highness's service. He told me she was. It was not in the first conversation, but in the second conversation, that De Mont's name was mentioned. He said that she had made a good day's work.

Was it on this occasion that Rastelli used the expression of making a good day's work?—Yes, it was on that occa-

sion that he was going about making recruits. (*Some laughter.*)

State all he said about making recruits and a good day's work.—I cannot express it. I must only say, that he told me that, on that day when she came there to make that drawing, she had made a good day.

Do you know a person of the name of Reganti?—I do; he is a companion of Rastelli.

Where does he live?—At Porto di Genese.

What trade is he?—He sells salt, tobacco, brandy, and other liquors.

How far from Milan does he live?—Out of Milan, the distance of two gunshots.

Has he asked you to come and depose against the Princess?

Earl GRAY.—Before the re-examination commences, I take the opportunity of submitting a question. I should wish, in the first place, to ask whether any proposition was made to the witness to give evidence against the Queen, and by whom?—No.

Did no person speak to you upon the subject of giving evidence against the Queen?—There is Rastelli, as I mentioned the other day.

Was he, Rastelli, the only person who spoke to you?—There was another person of the name of Reganti, who, when I went to his shop to buy snuff or something, told me—(objected to.)

BONFIGLIO POMARTE.

Are you a clerk to the Advocate Codazzi?—I am.

Was Codazzi concerned as the professional agent of the Princess of Wales?—Yes.

Had you at any time any communication with Vilmarcati respecting the papers of the Princess in Codazzi's custody?—I had.

Did you explain to Vilmarcati your reason for coming to him?—Because there was a person who conducted me as far as his door.

Did you state that to Vilmarcati?—I did not.

Did you state to Vilmarcati what passed between you and the person who brought you to his door?—The moment

he saw me he knew me, and he told me to bring him the papers belonging to her Royal Highness.

Did he offer you any inducement to bring those papers?

[After some discussion on the propriety of this question, the examination was continued.]

You have said that the advocate Vilmarcati told you to bring the papers of her Royal Highness to him, did he offer you any inducement for so doing?—He told me he would procure me some employment, which should be of greater emolument than that in which I was then engaged.

Did he tell you what should be the nature of the employment?—In the police of Milan.

Did you do any thing with her Royal Highness's papers in consequence of this inducement?—On the following day I took some to the advocate Vilmarcati.

Did you, upon any other occasion, give any papers relative to her Royal Highness to Vilmarcati?—I did.

On how many occasions did you take papers belonging to her Royal Highness, and carry them to Vilmarcati?—I don't know how many times.

Did you do it frequently?—No.

About how often do you believe?—Seven or eight times at the utmost.

Did Vilmarcati know, when you took those papers to him, that you were a clerk in the office of Codazzi?—He knew, certainly.

By whose desire did you take those papers? at whose request did you take them?—I don't know the man.

Had you any conversation with Vilmarcati about your taking them?—He told me to bring to him those papers I could get.

Did you receive any thing from Vilmarcati for taking those papers to him?—Money. (*A laugh.*)

How often did you receive money from Vilmarcati for taking to him her Royal Highness's papers?—Six times.

Were you satisfied with the money you got from Vilmarcati?—I was not. (*A laugh.*)

Did you ever make any complaint to Colonel Browne that Vilmarcati had not paid you money enough for taking pa-

pers from your master to Vilmarcati?—I complained once.

What did Colonel Browne say to you when you made that complaint?—He told me that he was a friend to the advocate Vilmarcati, and I ought not to doubt that he (Vilmarcati) would pay me what he had promised.

THE SOLICITOR-GENERAL.—The true interpretation is,—“I would perform what he had promised.”

Did you, in consequence of that communication to Colonel Browne, make any further communication to Vilmarcati?—Colonel Browne told me to call again, on the following day, on the advocate Vilmarcati, who would reason with me.

Did you call on Vilmarcati in consequence?—I did.

Did you receive any more money from him?—I did.

Do you know to what subject the papers taken by you to Vilmarcati related?—Some of them.

Can you state to what subject those papers of which you have a knowledge related?—One branch of them related to the depositions of the *femme de chambre*, who had been sent to Vienna, together with Sacchi, and, on the road with Sacchi, she said they were going to Vienna, to—

THE SOLICITOR-GENERAL objected to a statement of this kind.

MR WILDE.—I merely want to know to what subject the papers related?—They were letters.

Were there any examination of witnesses?—Not amongst the letters. They were letters of her Royal Highness, of the Baron, and others.

Were there, in these letters, any depositions or statements of the evidence of witnesses?—There was not.

What other papers were given by you besides letters?—There were some copies of letters of the advocate Codazzi, which seemed to be answers.

Answers to what?—The answers of Codazzi to Bergami.

Were there any other papers but letters and copies of letters?—No.

Do you know to what subject these letters related?—Yes, some of them.

State it. One was from Bergami, who said that he would—

The SOLICITOR-GENERAL here interrupted the interpreter.—The general tenor, but not the particulars of the letter, might be stated.

MR WILDE.—State only what subject the letters related to.

The Interpreter, with strong emphasis, “ They stop me, my Lords.” (*A laugh.*)

The LORD-CHANCELLOR.—Then stop no longer, but go on. (*A laugh.*)

The Interpreter.—The witness states there was one letter from Bergami, who said he would not return to Milan, until he saw that those persons who were without shoes before should go again without shoes.

The LORD-CHANCELLOR.—Let that question and answer be struck out.

MR WILDE.—The Solicitor-General objected to the answer, and I acquiesced in that objection.

The question and answer were struck out.

MR WILDE.—I want to know the general subject of those letters, not the particulars?—The advocate Vilmarcati told me to bring to him those letters which related to depositions; that is, which desired somebody to come to give evidence.

Did you, in point of fact, carry papers relating to that subject to Vilmarcati?—I carried letters, not papers.

Do you know a man of the name of Reganti?—I do.

Did Reganti ever make any application to you about papers?—He has been at my house to ask for them.

Had you any communication with Vilmarcati, with respect to the application Reganti made to you for papers?

The EARL of LIVERPOOL submitted that it must first be known whether Vilmarcati was at all acquainted with the circumstance of an application having been made.

Did you tell Vilmarcati of Reganti's application for papers? I did.

What did Vilmarcati say on the subject of Reganti's application for papers?—I then knew not Reganti, and I asked of Vilmarcati what sort of a man Reganti was? who he was?—He told me that he was a person of condition, and that I should give him any papers.

What was the application which Re-

ganti made to you respecting papers? What did Reganti ask you to do with the papers which you took?—He said they were to be presented to him, and he would give me a great deal; much.

What papers did Reganti wish you to give to him?—Papers respecting the affairs of her Royal Highness.

What affairs of her Royal Highness?—Those that were now in England.

What business does Reganti carry on?—He sells tobacco and snuff.

Are there any shops near Reganti?—There are.

Cross-examined.—After you had left the service of Codazzi, did you enter the service of the Chevalier Vassali?—I did not.

Did you not come over to this country as the servant of Vassali?—I have not been in the service of Vassali.

I ask, when you went to Vilmarcati, whether you went of your own accord, or what made you go there?—There was a person who urged me to go, and that person took me there himself.

Did that person tell you what you were to go to Vilmarcati for?—He told me that I ought to go, because Vilmarcati wished to speak to me, and I should be made a gentleman if I went. (*A laugh.*)

Did he tell you how you were to be made a gentleman if you went?—He told me so much—he told me no more. He told me to go, and that he would take me.

Did you know at that time that Vilmarcati was employed at all in the process about the Queen? (Several Peers called out “ her Royal Highness the Princess of Wales.”)—When I went I knew it.

Was Codazzi, your master, at that time employed for her Royal Highness?—He was not employed on the affairs of her Royal Highness in England, but for the affairs of her Royal Highness in Italy.

Did you know that Codazzi was in possession of papers belonging to her Royal Highness?—I had them in my own writing-desk.

Did you not then, immediately, as an honest man, communicate to your master that you received this message to go to Vilmarcati?—I did not.

Did you not conceive it to be your

duty to do so?—I thought that it would not produce mischief: that it would do no prejudice: that it would do no harm to her Royal Highness.

Do you mean to say that you thought it would do no harm to hand over to Vilmarcati papers, letters, and documents, belonging to her Royal Highness?—Documents I did not give: I gave letters.

Do you mean to say that there was no harm in handing the letters to Vilmarcati, without the knowledge of your master Codazzi?—Yes, I thought it would do no harm.

Did you not think it your duty to tell Codazzi of it, that he might judge for himself whether there was no harm?—I did not tell him.

That is no answer. I asked whether you considered it your duty to tell him?—I believed it was nothing.

Do you mean by that, that you did not think it your duty to communicate it to your master?—I thought it was my duty; but I neglected it. (*A laugh.*)

Did Vilmarcati pay you any thing for the papers you delivered the first time?—He gave me three double golden Napoleons, and told me that was for me to take chocolate.

When did you bring the second parcel of papers?—After the month of September.

Will you tell, as nearly as you can, how soon that was after the first parcel you delivered?—Three or four days.

What did Vilmarcati pay for the second parcel of papers?—Four Napoleons, single.

Having carried papers from time to time to Vilmarcati, and having been paid for them by Vilmarcati, did you ever mention the circumstance to your master Codazzi?—I never said any thing to Codazzi about it.

Did Codazzi never miss the papers?—No.

Had he never asked for them on any occasion?—No.

You have said that those papers were left in your charge or custody: I want to know whether you were not confidential clerk to Codazzi?—Yes, I was confidential clerk.

Being confidential clerk to Codazzi, did you not think it most infamous conduct

on your part to take those papers to Vilmarcati?—Not at the beginning.

I ask when you discovered (if you ever discovered) that this conduct was most base and infamous?—About the beginning of this year.

I wish to know whether it was a discovery of your own that it was base and infamous, or whether you were told so by another?—There are many who act basely and infamously, but afterwards they repent, and so have I repented.—(*A laugh.*)

Having discovered, at the commencement of the present year, that your conduct was base and infamous, did you not then think it your duty to communicate what you had done to Codazzi?—I thought it better to be silent.

Did you not, when you called on Colonel Browne, ask him if he was not one of the commissioners appointed to inquire into the conduct of the Princess of Wales?—I knew it.

I ask you again, whether, on taking the letters out of your pocket, you did not ask Colonel Browne if he was not one of the commissioners appointed to inquire into the conduct of her Royal Highness?—Yes, I asked him so; but I knew it.

Did not Colonel Browne ask what your name was, and what you were?—I made myself known by telling him I was the confidential clerk of the advocate Codazzi.

Did you tell him you were the clerk of Codazzi when you first entered the room?—At first I asked if he was Colonel Browne, for I knew not.

Well, did not Colonel Browne ask who you were?—He answered me "yes," when I asked if he was Colonel Browne. He did not ask me who I was.

Will you swear that Colonel Browne did not ask you who you were, and that you did not refuse to tell?—He did not ask me who I was, but I told him of my own accord.

Will you swear that Colonel Browne did not ask you who you were; and that, on your refusing to tell, Colonel Browne did not shut the door, and say that you should not leave the room till you told him who you were?—I swear this not to be true.

I ask whether, in answer to a question by Colonel Browne, you did not say that

you were clerk to the advocate Codazzi, and whether Colonel Browne did not then give back the letters you had delivered to him, and say that you were a most infamous scoundrel, and would end by being hanged?—He shall be hanged, and not I, for I have not said so. (The warmth with which this answer was delivered excited some laughter.)

You must perceive and understand that that is not an answer to the question I put. I asked you as to what Colonel Browne said, and not what you said?

(On the suggestion of Earl Grey, the question was repeated to the witness.)

Ans. I repeat again that it is not true. He gave me the letters, but he said no more. Nay, he shut the door of the room, in order that we might not be heard, and told me not to speak so loud, because I complimented of Vilmarcati, and he told me to call next day on Vilmarcati, from whom he would cause me to receive 200 francs. This is what he told me, and nothing else. He said that the advocate, Vilmarcati, was a person of character, and would keep his promise.

Did not Colonel Browne say that you were a most infamous fellow at that meeting?—I have replied many times that he did not say so.

Did he say that you would end by being hanged?—He never told me so.

Did he say any thing to that effect?—Nothing at all, for I have been seduced by them, and therefore they are more infamous than I am.

Did you call on Colonel Browne more than once?—I called the first time in the morning, and he was not at home. After dinner I called again and found him. I have therefore been twice.

Did you see him any more afterwards?—I saw him often after that at Milan.

Did you ever see him more at his own house?—I only saw him once at his own house.

What are you to have for coming here?—I will receive nothing. I came here to remedy my error, and tell the truth; to remedy the evil I have done, because I have erred.

How much, on the whole, did the witness receive from Vilmarcati?—From about 350 to 400 francs.

FILIPPO POMI re-examined.

Do you know a person of the name of Reganti?—I do.

Do you know whether his name is Felippo?—I do, it is.

Where is he living?—At the Porta di Genesà.

What does he do?—He sells tobacco, salt, vinegar, and brandy.

Do you recollect his calling on you at any time?—He did not call on me, but when I went to his shop he had always something to tell me.

On that occasion what did Reganti say?—I went to buy salt, tobacco, or something else, and he told me (for he knew that I belonged to the Barona), Pomì, have you ever seen those "*schierze*" between the Princess and Bergami? Now is the time to come forward to obtain something and become a man. (The interpreter explained that *schierze* was a most indefinite term, which meant any thing or nothing.)

Did he say any thing more on that occasion?—He told me this, and I answered him "No; I have seen no *schierze*;" and then he replied, "How! have you not seen Bergami putting the Princess on horse back or assback, and thrusting his hand under the Princess's petticoats?"

Did you make any answer to that?—Yes, I told him that this was a true falsehood (*much laughter*), a real falsehood; for instead of that he paid her all proper respect and decency, such as the greatest personage required—such as was due to her.

Cross-examined.—The witness has said that Reganti never called on him, but that this conversation took place when he went to Reganti's shop: Is it so?—Yes, it is actually so; I can swear it.

When was it that this conversation took place?—When I went to buy something—tobacco, or something else.

I know the occasions on which it was, but I ask the time. How long ago was it?—I don't know precisely. It happened last year.

About what time in the last year?—Oh, he said so many times. Whenever I went into his shop he would always say such annoyances to me; and he even went so far as to say that he would wage war

against her till the death. There were several other persons besides myself; there were five or six persons present.

This conversation took place frequently then, when you went to Reganti's shop?—About four or five times, when he always told me these *annoyances*, so that, as I have said, I have been obliged to go no more to his shop to buy salt and other articles.

ANTONIO MAONI,

[An agent for estates at Venice, knew Paolo Zangla, manager of a theatre. While at Milan, went with him to Vilmaretti's house. Zangla went up stairs, while the witness remained below.]

When he came down stairs, had he any thing with him?—Yes, he had.

What?—He had his hand full of double Napoleons.

How many might there have been, do you think?—He told me 80, and from seeing the handful, it must be so.

Do you mean 10 double Napoleons, or 80?—I mean 80 double Napoleons.

By the Earl of LANSDOWNE.—When you saw the Napoleons in Zangla's hand, were they loose, or in a bag, or in a paper?—He had the hand *thick*, full; and he has a large hand—(A laugh.)

ALEXANDER OLVIERI,

[Had been a Colonel in the army of the Viceroy of Italy. In November, 1817, was engaged by Bergami to become one of the Princess's suite, and in November, next year, became chamberlain, jointly with Bergami, in which capacity he continued till February last. At Rome, the Princess lived in the most respectable society, chiefly foreign, there were few English of consequence, saw the Princess set out from Rome to Slingaglia; Carlo Forti then departed as courier, he saw nothing of Sacchi; he came voluntarily, but received from Schiavini L. 80 sterling for expences.]

TOMASO LAGO MAGGIORI,

[A boatman on the lake of Como, frequently rowed the Princess and Bergami across, never saw any kissing or improper behaviour. There were always other gentlemen in the boat along with them. The company sat in a sort of carriage in

the middle of the boat, while the boatmen were at both ends. There were glasses and a curtain on one side, but not on the other, had received 39 livres before setting out; and two silver Napoleons (six and a half livres each) a-day had been talked of for his daily expences.]

CHEVALLIER VASSATI,

[Had served the Princess as Equerry; was originally in the Royal Italian Guard, afterwards a Captain of Dragoons. Dined at General Pino's with the Princess and Bergami. Thus last had the direction of the house, hired and dismissed the servants.]

Has witness seen the Princess of Wales and Bergami walking together at different times?—Yes.

Did he ever see them walking alone?—Sometimes, I have seen them going out from the garden, under the portico.

Have you seen them ride out together, either on horseback or in carriages?—I have seen them in carriages, with others.

Did you ever see them walking or riding without attendant, excepting in the gardens round the house?—When I said "*solo*," (alone), walking alone, I meant that I have seen them coming out of the gardens, and walking under the portico solely or alone; by solely, however, I mean not alone, without any other person, for I was myself at some distance.

Do you know whether Bergami was received at the tables of the neighbouring families of distinction?—In what neighbourhood.

In the neighbourhood of Pesaro?—Yes.

Were you with her Royal Highness at Munich?—Yes.

Do you remember whether her Royal Highness, with her suite, dined with the King of Bavaria?—Yes.

Do you know whether Bergami dined at the table with the King?—Yes.

Did Bergami dine with the King of Bavaria at his table?—With the King of Bavaria at table.

Do you know of any civilities passing between the King of Bavaria and Bergami?—I saw the King treat Bergami with the greatest affability.

Do you know whether there was any present given him?—Yes.

Will the witness be so good as to state what it was?—A gold snuff-box, set round with brilliants, and adorned with the name of the King.

Was that present made by the King to Bergami?—The man who came to Milan, and gave it to Bergami, shewed it to me before him, and told me that the King of Bavaria had given it to Bergami.

Have you afterwards seen that snuff-box in the possession of Bergami?—Yes.

What were the initials on the box, or the name?—There were the letters "M. and J." which signified Maximilian Joseph.

[The balls at the Barona were chiefly attended by the tenantry; the Queen went in usually for a short time, and occasionally danced, every thing was conducted with the greatest propriety.]

He accompanied the Princess to Baden and Carlsruhe, when nearly her whole time was spent with the Grand Duke and the Margravine.]

Did you, accompanied by Bergami, go to Inspruck to correct a mistake about passports?—Yes, we did.

At what time in the day did you set out?—About noon.

When did you return to the inn where the Princess was?—I believe it was between two and three o'clock on the following morning.

To what room did you then go?—To the room of her Royal Highness.

Where was her Royal Highness then?—She was lying or leaning on the bed, half leaning and half lying.

Was the Princess dressed or undressed?—She was wrapped up or covered with a thick shawl.

Was there any body with her Royal Highness?—Yes.

Who was with her?—There was first Bergami, there was Schnavini, and I saw the Countess Oldi come out of her own room.

What room was that?—The room immediately joining that of the Princess.

Did you see the little Victorine that morning?—Yes.

Where?—Sleeping on the bed of her Royal Highness.

Did you see her on the bed of her Royal Highness when you first entered the

room?—Yes, I saw the child when I first saw her Royal Highness.

Did you at that time see Madame De Mont?—I did.

Was she dressed or undressed?—Dressed.

Did you see any officer of the police on that morning, after you returned from Inspruck?—Yes, not in the morning, but a few moments after we returned.

Did you speak to that officer?—Yes.

After speaking to him, did you return to the room of her Royal Highness?—I did.

How often?—Often.

In what manner?—When we returned from Inspruck I went into the Princess's room to state our arrival; when the officer came, I went also to state who had come; and afterwards I went to state what he said about the country people clearing away the snow by order of the police.

Did the suite then make preparations to set out?—Yes, they did, they had been up the whole night.

You have said that, during that night, you were often in the room of her Royal Highness; did you see other persons of the suite there, also, during these proceedings?—Yes.

Who were they?—The same persons that I said before.

Were there beds at the inn for the whole of the suite?—Yes, straw beds.

Where were they?—Below stairs, and in the corridor near the room of her Royal Highness.

Do you mean the corridor into which the Princess's room opened?—Yes.

Were any of the suite lying on the straw in that corridor?—When we returned that night from Inspruck I saw none lying there; for every body was up, and waiting for us.

Do you recollect when the Princess resumed her journey?—At day-break on that morning.

Did the preparations to set out last until then?—There were no preparations to make, as we had engaged horses on the day before.

While the arrangements were going on, between your return and Bergami's that night, and before you set out at day-



break, did you repeatedly see Bergami ?  
—I saw him many times then.

Was he at all undressed ?—Never.

Where did you see him ?—In many places. I saw him in the kitchen, on the stairs, at the door, and in the room of her Royal Highness.

Do you remember in the course of that tour having been at Trieste ?—Yes.

How long did the Princess remain there ?—A day and a half.

Do you remember one time when her Royal Highness went from Rome to Sinigaglia ?—Yes.

Who travelled as courier in that journey from Rome to Sinigaglia ?—I believe Carlo Forti.

Did you see him as courier on horseback ?—I did.

Did you on that journey see Sacchi on horseback as courier ?—No.

Do you remember was there a *giudo varella* (a carriage for one person) for the Princess in that journey ?—There was not.

[Never saw any thing indecent in the exhibitions of Mahomet. At Pesaro, the Princess was visited by a legate of the Pope, by the Prelate Gandolfi, and by the Marquis Andalgi. Bergami visited these persons, when not in the service of the Princess.]

*Cross-examined.*—You say you were in the army from the year 1805 to 1815. In what rank did you enter it ?—I was a guard in the first company of the guard of honour of the Viceroy of Italy.

Were you a common soldier in that corps, or an officer ?—When I say a guard, I mean a simple soldier in the guard of honour.

In what guard of honour ?—The guard of honour of the King of Italy.

Have you not paid money to any person as an inducement to him to give evidence in this cause ?—Never as an inducement to give evidence ; I gave, at the departure of the witnesses, by order of Mr Henry, a small sum, about two or three Napoleons, as part of the ten livres a-day which they were to receive, and I explained this to them.

By whom were you employed to do this ?—By the advocate Henry ; I did it at his request.

The How long were you on your journey

here ?—The second time I was about eight or nine days.

Did not you return afterwards at the Queen's request for the purpose of collecting witnesses at Milan ?—I was sent to Milan to see the people who might wish to come over to give evidence in her Majesty's favour.

How many did you there communicate with on the subject of becoming witnesses ?—Forty or fifty.

How many came over with you ?—Two.

Who were they ?—Natti and Carlo Majore.

What was the reason of your leaving the Queen at St Omer's ?—I did not leave her of my own will ; I should have followed her to England, but her Majesty thought proper to dismiss me to my retreat.

How many of her suite left her at St Omer's ?—Bergami, Ragiam, two maid-servants, and three or four others.

Did you accompany Bergami on his way back ?—Yes.

Where did you go to ?—To Paris.

Did you take the little child Victorine with you ?—We did.

Did you live at Paris with Bergami ?—I did.

Where ?—At the Hotel de Frescati, in the Rue Richelieu.

Did you live there with him all the time ?—Except during a short excursion.

Who paid the expenses of your journey and stay at Paris ?—I paid them.

Did you pay for Bergami as well as yourself ?—I paid for Bergami, and was reimbursed.

Who reimbursed you ?—Bergami.

What salary have you now from her Majesty ?—I have no pay, I have a pension.

What is your pension ?—The same I had when I was in her Majesty's service.

What is it ?—About 200 lous a-year.

How many francs ?—About 4800 francs.

Where does your family live now ?—My father at Milan, my wife in London.

Where does your wife live in London ?—At Sabloniere's hotel.

Do you yourself live there ?—Yes.

Who pays the expense of your living here—of the living of you and your wife ?

—Till now I have not paid the account ; I do not know.

Who is to pay it ?—I believe that, as a witness for her Majesty, the government is to pay.

Have you received any money from any person while you have been in England ?—Never, nor I have not yet been paid for my journey.

Did you take any money out with you when you went to Milan the last time ?—I do not travel without money.—(A laugh)

And who gave you the money going out to Milan, or for the purpose of going out to Milan ?—I received 100*l.* from Mr Coutts.

On whose account did you receive that sum for going to Milan ? who gave you the order on Coutts for 100*l.* ?—Her Majesty the Queen.

LORD FITZBROUGH.—Am I to understand the witness to say that Carlo Forti was first taken into her Royal Highness's service at Loretto ?—I say that Carlo Forti went into her Royal Highness's service at Rome, but was provisionally sent with dispatches from Loretto.

Did you accompany her Royal Highness in her journey from Milan to Loretto ?—Yes.

Did you see Carlo Forti on the journey ?—Carlo Forti set out as a person belonging to the service of the suite, but not as a courier. They did him the favour to take him, in order that he might see his brother at Rome.

Did Carlo Forti, in point of fact, accompany her Royal Highness in the journey from Milan to Loretto ?—No, not as courier.

EARL GRIV.—Did Carlo Forti travel in her Royal Highness's suite, in the journey from Milan to Loretto ?—From Milan to Loretto he travelled with the suite of her Royal Highness.

And at Loretto, if I understand you rightly, he entered provisionally into her Royal Highness's service ?—He did not enter provisionally into the service, but he was dispatched to Rome, provisionally, just as an ordinary courier would have been on the occasion.

On the subject of Mahomet's dance it was asked.

Do you ever remember any lady of distinction, and respectability of character, in your own country, to have witnessed such a dance ?—Not to my recollection.

The Earl of HAUROWAY brought up the report of the committee, to which the extracts from the correspondence between Mr Powell and Colonel Browne, relative to the absence of Rastelli, were referred.

The Clerk read the report, which was to the following purport :—“The Lords' committee appointed with power to examine John Allan Powell, and to verify and compare extracts of his correspondence with Colonel Browne with the originals, and to whom the said extracts were referred—report, That the committee have called before them John Allan Powell, who, being examined, has stated that the extracts presented by him at the bar of the House contain the whole of the correspondence between him and Colonel Browne relative to the absence of the witness Rastelli. • The committee then proceeded to examine, verify, and compare the said extracts with the originals, and found the same correct. These extracts, in the opinion of the committee, might be classed under two separate heads. The first consisted of extracts of letters from Colonel Browne to Mr Powell, previous to the 14th of September, when Rastelli was dispatched to Milan ; the second, of extracts from Colonel Browne's letters to Mr Powell, and from Mr Powell's to Colonel Browne, written after that period. From the extracts under the first head it appeared that, as early as the 4th of July, letters from Colonel Browne stated that great alarm prevailed in Italy respecting the maltreatment of the witnesses, and urged the necessity of sending, without delay, letters from all the witnesses to their friends. Communications of a similar nature appear to have been made by Colonel Browne, under the date of the 10th, 18th, and 24th of the same month, and of the 4th of August, in which it is stated that the alarm had increased, in consequence of the non-arrival of any letters from the witnesses. Letters dated the 9th, 13th, 16th, 28th, and 29th of August, from Colonel Browne, contained

similar complaints, and recommended the sending of a courier to Milan. In these communications the necessity of quieting the alarm of the friends of the witnesses was urged in the strongest terms. It is stated that very exaggerated reports of what had occurred at Dover were circulated; it being stated that Rastelli had lost an eye, that Sacchi was murdered, and that all the witnesses had been greatly injured. The terror which prevailed Colonel Browne stated to be extreme, and it appeared that it had had the effect of deterring witnesses from coming to England who had previously agreed to appear in the proceedings. The committee further stated to the House, that, under this first head, they had confined themselves to general statements, as the extracts themselves were mixed up with matters which could not be received in evidence, but that to the second head the same reason did not apply, and they had, therefore, given in their report the extracts at length. In the extract from a letter, dated 13th September, from Mr Powell to Colonel Browne (of which Rastelli was the bearer)—in that letter he stated that he had returned him (Colonel Browne) Rastelli, as he might be of use to him, but he was to send him back, with all the witnesses and documents, so as to arrive here by the 3d of October. It stated also that Mr Powell was conscious of the difficulties under which Colonel Browne laboured, in consequence of the reports of the injurious treatment of the witnesses; but he rebelled on his exertions to get over them. In Colonel Browne's letter to Mr Powell, dated September 20, he states, that, just as he was going to despatch the courier, Rastelli had arrived, and expressed himself heartily sick of the manner in which the witnesses were confined in England. Colonel Browne's letter, dated October 1, stated that Rastelli said he was ill in bed; but that he (Colonel Browne) feared he was shuffling. Mr Powell's letter to Colonel Browne, of the 2d of October, expresses his sorrow at Rastelli's unwillingness to return, and requests the Colonel to send him as soon as possible, as he ought to have been back by the 3d of October, which was then impossible, but he must return, as the Attorney-General had given express orders to that effect,

and that no means should be left untried to make him return. Colonel Browne's letter to Mr Powell, dated October 2, stated that Rastelli was still ~~very~~ <sup>very</sup> ill with a fever, and that he had been twice bled. Another letter from Colonel Browne, dated Milan, October 4, states that Rastelli is still very ill. The Colonel had endeavoured to make him proceed to London, but he could not for some time to come."

#### DE MONT re-examined.

[Interrogated if she ever, to a dress-maker of the name of Martini, extolled the character of the Princess of Wales, and denied the truth of reports concerning her character?—Denied all recollection of any such conversation. At first said, she had no recollection of Martini, but afterwards remembered having had several bonnets altered by her.]

#### FRANCIS MARTINI,

[A milliner at Morge, had been long acquainted with De Mont.]

How long has she known her?—From the time that she was at Morge, when she was quite young, and learning to work.

Was that before she went into the service of her Royal Highness the Princess of Wales?—A great deal of time before (*a laugh*;) a long time before.

Has she frequently seen De Mont at Morge?—From the moment I became acquainted with her, I have seen her very often.

In what house did you first see Louise De Mont?—In the country.

[Saw De Mont at Morge in 1818; put several questions to her about her Journal and the Princess.]

What was the question which you put to Madame De Mont at the time you speak of?—I observed to her that the Princess was spoken of as a libertine, as a woman of intrigue; and I said so frankly, that being my opinion from what was heard.

Did she make any, and what answer to your observation?—Yes; she put herself into a great passion, and said it was nothing but the calumnies invented by her Royal Highness's enemies, in order to ruin her.

Did Madame De Mont say any more?—Yes, she said every thing that was good of the Princess, and that she never observed any thing about, or of her Royal Highness, except what was good.

Do you remember whether Madame De Mont said any thing about spies?—Yes, she told me that, ever since the Princess left England, she had always been surrounded by spies.

Did she say any thing more?—Yes.

State what?—And that every action of the Princess which she did with the best intention was misinterpreted, that the Princess knew very well the fact of her being surrounded by spies, but that she did no action which she was not willing the whole might know.

Do you remember any thing to have been said by De Mont about the late or the old King?—Yes; she said, in the conversations which passed, that the old King was the only prop of the Princess—her only support.

When were you examined first respecting this conversation?—Do you mean by the gentleman who came to Switzerland?

Yes.—Then it was about three weeks ago.

Who were these gentlemen?—They were English names, one of them was Carston, or Johnson, and one was Young.

Was the examination in writing?—Yes.

What arrangement did you or your husband make for coming over here?—My husband had nothing to do with it.

What arrangement about remuneration?—None, these gentlemen told me we should be indemnified in a just and honest manner by the government of this country.

Was there no particular sum mentioned to you?—As I did not know those two gentlemen, I would not trust to their words, because, two years ago, an Englishman, named Addison, occasioned me a loss of fifty louis; on this account they had deposited 100*l.* at the bankers, Messrs Maret, as a security for the performance of the promises they had made, and I have the receipt of the bankers for that sum.

Is that sum to be paid to you?—This sum cannot be paid to me without the orders of those two gentlemen, because it is only placed there as a security for the performance of their promise.

Was there no promise made to you that you should receive this 100*l.*?—No, but for what the government may grant me as just and reasonable, this money was placed as a guarantee. It was for the performance of the promise made, for those gentlemen said they did not want to buy any witnesses.

Have you received any money?—I have received 70*l.* sterling to account, for which I gave a receipt; for I have a suit depending, and it will, or may be, given against me, if I do not return by the 24th of next month, and not knowing how long I might have to remain in London, I did not wish to leave my affairs without some persons to attend to them. The money was only given to me on account.

Besides that money you received, who paid the expenses of your journey?—Those gentlemen.

Where do you reside here?—We arrived in town last night at midnight, and they placed us somewhere, I do not know where, but here I am to-day. (*A laugh*.)

Mr LEMAN, *re-examined*.

At what time did you arrive at Carlsruhe?—On the 13th or 14th of September, early in the morning.

Did you on your arrival enquire for the Baron d'Ende?—I did, and was informed that he was at Baden. Upon further inquiry I learned that he was not to be at Carlsruhe till the 17th.

Did you set out for Baden to meet him?—I did. I took a coach on Sunday, the 17th, and set off for Baden.

As you were proceeding to Baden, did you meet any person particularly?—I did. I saw a coach coming towards Carlsruhe, and enquiring of the footboy, I found that it was the carriage of Baron d'Ende.

What did you then do?—I turned my coach round, and overtook the Baron in his.

Did you speak to him?—Yes. I asked him whether I had the honour of speaking to the Baron d'Ende, to which he said Yes. I then gave him the letter from her Majesty, which he opened and read. He then invited me into his carriage, and took me with him to Carlsruhe.

To what house?—To his own.

I believe you had some conversation

with him on the road, and at his house?—I had.

Had you from that conversation any doubt that you were speaking to the Baron d'Ende?—Not the slightest.

How long did he remain at Carlsruhe?—He said he had come on some affairs of his own, and would remain till Tuesday. That the minutes to which he found it necessary to refer were at Baden, and that he could not answer some questions that I put to him until he arrived there, and consulted those minutes.

Did you remain at Carlsruhe till Tuesday?—No. I went to Darmstadt, and returned on the Tuesday evening following.

When did you next see Baron d'Ende?—On the following morning. He took me in his carriage with him to Baden, and we arrived there that evening.

When you arrived at Baden, what did you do?—I took his depositions, he consulting a journal which he kept.

How long did you remain with him at Baden?—Only that evening. I left it early the next morning.

Before you left Baden, did he state any thing to you on the subject of his coming to England?—Yes, he said that, as the information he was to give was to be given in his official capacity, it was considered by his friends that he ought not to come without the consent of the Grand Duke.

Was the Grand Duke absent from Baden?—Yes, he was absent from Baden at the time.

Was he at Carlsruhe?—He was not at either place then. I understood he was absent on a tour.

Did you learn from Baron D'Ende when the Grand Duke would return?—He (the Baron) said he would return by the 20th, and that he would then ask permission to come.

Do you know whether he asked it?—He came to me on the 23d, with her Majesty's letter in his hand, and told me he was going to the palace to ask permission to come to England. I went to the door with him, and saw him going towards the palace, in about half an hour I saw him again, and he said he had had news for me, as he had been refused permission to go to England.

Did he afterwards take you to his

house?—He did, he appeared much agitated, and said he regretted much that he was not permitted to go. He caught hold of my hand, and placing it to his heart, said, "Feel how my heart beats." (*A laugh*)

Did you after that make any other application to him?—In about an hour or two after this, I went to call on him; but lest I should not find him at home, I wrote a letter (a copy of which I have) to leave for him. I called at his house, and not finding him, I left the letter.

Did you receive any answer to that letter?—I did.

Was it written, or verbal?—It was a verbal answer. It was sent by a lieutenant of the Life-guards of the Grand Duke.

Do you recollect his name?—Yes, his name was Schweitzer.

What was the answer?—The Baron sent word that he would not make any depositions without the consent of the Grand Duke, and he declined sending a written answer to her Majesty.

#### CAPTAIN BRIGGS re-examined.

On referring to his former conversation with Lieutenant Hounam, he said—I observed to Lieutenant Hounam that in a conversation which I had had with Captain Pechell, he had informed me that Bergami had stood behind his chair when the Princess embarked on board the *Corinde* frigate—I asked him (Lieutenant Hounam) how it was that Bergami was now admitted to her Royal Highness's table? Upon which he replied, that it was so; that he had entreated her Royal Highness, on his knees, and with tears in his eyes, not to admit him to her table, but to no purpose.

Cross-examined.—This conversation took place in November, 1815. He does not think any one else was present. Lieutenant Hounam came lately from Brandenburg-house, endeavouring to find out the nature of the evidence he was to give, but he declined all conversation on the subject. He had mentioned the thing some time ago to Sir G. Cockburn. Does not recollect how the conversation arose. Has no memoranda, but distinctly recollects it, his attention being alive in consequence of what Captain Pechell told him.

## No. II.

REMARKABLE TRIALS AND LAW  
PROCEEDINGS.

## STATE TRIALS.

## THISTLEWOOD AND HIS COMPANIONS FOR HIGH TREASON.

*Old Bailey, April 17.*THE KING v. ARTHUR THISTLE-  
WOOD.

At nine o'clock this morning Lord Chief Justice Abbot, Lord Chief Justice Dallas, Chief Baron Richards, Mr Justice Richardson, and the Common Serjeant, took their seats on the Bench, and the Court immediately proceeded to the trial of Arthur Thistlewood.

The Jury were impanelled, after 48 challenges had been made on the part of the crown and of the prisoner.

The charge was stated at great length by the Attorney-General; but the clearness of the proofs rendered the pleadings on this occasion only of secondary importance. Our limits, therefore, induce us to confine ourselves chiefly to the evidence and the declarations of the prisoners, in which the main interest of the trial consisted, and which we shall give very fully.

Eleonor Walker and Mary Rogers proved that Brunt had lodged with them for some time, and that several of the conspirators had frequented his apartment.

Robert Adams, examined by the Solicitor-General.—I live at No. 4, Hole-in-the-Wall-passage, Brookes's-market. I am a shoemaker. I was in the royal regiment of Horse-Guards. It is 18 years last Christmas since I left them. I knew Brunt at Cambray, in France, he went then by the name of Thomas Morton; it is 18 years ago since I first knew him. I know Thistlewood. I knew him first on the 16th of January last. He then lived in Stanhope-street, Clare-market. I was introduced to him by Brunt and Ings. I saw him at his own place. We had some conversation together.

The examination of the witness was continued.

When I went in, Brunt said to Thistlewood, "This is the man I was speaking to you about." Thistlewood said, "You were once in the Life-guards?"

I said, "No, I was not, I originally belonged to the Blues." Thistlewood said, "You are a good swordsman?" I said, "I could use a sword to defend myself; but I could not use it very expert, as I had not used any arms for a long time." Thistlewood said, there was no one who was worth 10*l.* who was worth any thing for the good of his country. As to the shopkeepers of London, they were all a set of aristocrats together, and were all working under the same system of government. He should glory to see the day that all the shops were shut up, and well plundered. He then alluded to Mr Hunt, and said, he (Hunt) was a d—d coward, and were he (Thistlewood) to go to Whitehall, he was sure he would find his (Hunt's) name there, as a spy to government. He then turned the conversation to Cobbett, and said, he was equally the same as Hunt, and for all his writtings, he had no doubt he was also a spy. This ended the conversation then. I was afterwards confined for debt in Whitecross-street prison. The next interview I had with Thistlewood was on the 16th, at the White Hart public-house. It was in a room in the back yard. Thistlewood was present, and Ings, Brunt, and Hall, and, before they broke up, Tidd. On the 17th, I went to prison, and remained 14 days there. I came out on Sunday, the day after the death of the King. I saw Thistlewood on the Monday evening following. I saw him in the same floor in the house where Brunt lived, in a back room. This was in Fox-court, Gray's-Inn-lane. There were Brunt, Ings, Hall, and Davidson, present. There was nothing particular took place that night. To the best of my recollection, I met them next on the Wednesday (by them he meant Thistlewood, Brunt, Davidson, Harrison, and Ings.) I had a conversation—

Mr Curwood here objected to the

witness speaking to what then occurred, as no overt act was set forth in the indictment on that day. It merely referred to a meeting on the 16th, and at divers other times.

Lord Chief Justice Abbot observed, that the present mode was the invariable form of such indictments, and no objection was ever made to it. If all the particulars of overt acts were set forth, it would occasion a great prolixity—The objection was over-ruled.

Witness continued—I went into the room and saw a number of pike-staves, and Thistlewood wanted to have them ferruled. Thistlewood then asked why Bradburn (the prisoner) was not present, and he added that Bradburn was entrusted with money to purchase ferrules, and was not satisfied lest he should not buy them. The staves were green, and seemed as if they had just come from the country. Thistlewood said he would not give a damn for a man who would spend the money in such a way. I do not recollect any thing further then. The meetings were held twice a-day from thence to the 23d of February. The room was hired by Brunt for Ings; Brunt said so. I remember one circumstance that occurred; one evening, about ten days before the Cato-street business, I went in and saw Harrison, Thistlewood, and Brunt. Harrison said, he had been speaking to one of the Horse-guards, and he had told him, that the whole of them would be down at Windsor at the King's funeral; and Harrison said, this would be a good opportunity to do something that night (the night of the funeral.) Thistlewood said it was a good place, and added, that if they could get the two pieces of cannon in Gray's-Inn-lane, and the six pieces in the Artillery-ground, they could so help themselves as to have possession of London before morning; and he said, that when the news should reach Windsor, the soldiers would be so tired

as not to be able, when they came back to London, to do any thing ; but that by activity some might go to Hyde-park, and prevent any person or messenger from going to Windsor. He also said, that they should go over the water and take the Telegraph, to prevent any communication with Woolwich. He then said that they should form a provisional government, and send to the sea-ports, to prevent any gentlemen from leaving England without passports. He particularly mentioned to send to Dover, Brighton, Margate, and Ramsgate, and he most particularly mentioned Brighton—not that he thought the new King would be there or at the funeral. He said the present family had inherited the throne long enough, and it was no use for the present King to think of being crowned. Brunt and Ings came in after this, and Thistlewood mentioned to them what passed ; but they said that nothing would satisfy them but their plan of assassination. They had talked at a former meeting of this plan of assassination. Two or three of them had drawn out a plan of assassinating his Majesty's Ministers at the first public dinner they had. They talked of assassination at every one of their meetings. I could not say there were pikes in the room before this. I met them on Saturday, the 19th of February, at 11 or 12 in the forenoon. I saw Thistlewood, Davidson, Brunt, Harrison, Ings, and Hall. They were all set round the fire, and seemed in a conversation betwixt themselves. They all got up and turned round, and said, " It is agreed, if nothing turns out before next Wednesday night, next Wednesday we will go to work." It was said they were all sworn that they would not wait any longer. Thistlewood proposed they should meet the following morning at nine, to draw out a plan to go by. Thistlewood said to Brunt, " You had better go round this

afternoon and mention it, in order to have the committee to-morrow." Brunt said, he did not think he should be able to go, as he had some work to do, but he would go on the next morning, and perhaps he might see some of them ; it was not necessary to bring a great many. Brunt appeared to be leaving the room then, and Thistlewood called to him, and said, " O, Brunt, it will be highly necessary for those that come to-morrow morning to bring fire-arms with them, in case any officers should come up." On which Brunt said, " D—n my eyes, if any officer should come in here, the time is so near now, I would run him through the body. I would murder him here sooner than we should be discovered." On the next morning I went there about eleven o'clock. It was a little dark in my eyes when I went in after the snow. There were Thistlewood, Brunt, Harrison, Cooke, Bradburn, Tidd, Edwards, and Wilson, myself, and another. W. Cooke, on looking round the room, said, " There are twelve in the room, and I think it enough to form a committee." Thistlewood proposed that Tidd should take the chair. Tidd took the chair, and sate with a pike in his hand. Thistlewood was on his right and Brunt on his left. Thistlewood said, " Gentlemen, you all know what we are met for ;" and then he turned to the door, as if unwilling to mention it, and said, " the west-end job." Brunt then said, " D—n my eyes, name it." On which Thistlewood again said, " Gentlemen, we are come to the determination to do this job, that we are talking about so long, and as we find there is no probability of meeting them (Ministers) altogether, we shall, if no opportunity of doing them altogether occurs, take them separately, at their own houses, and do as many as we can. If we can only get three or four at a time, we must do them." He also said,



"I suppose it will take fifteen men to do this west-end job; and I propose to take the two pieces of cannon in Gray's-Inn-lane and the six pieces in the Artillery-ground." He proposed Cooke to lead this party, and he himself would command. He said they should take the Mansion-house as the seat of the Provisional Government. They were next to take the Bank of England; and Palin should be the man who should set fire to the barracks and several parts of London. This was the principal part of the plan, but if any thing else occurred before Wednesday, they would think of it. Brunt was then going to put a proposition which he had for assassinating the Ministers, but Thistlewood said, his plan should be first put from the chair, as they were nearly all agreed on it. He desired the chairman to ask if any of them had any thing to say, and that they should say it; but none of them saying any thing, the plan was carried unanimously. Brunt then came forward with his plan, which was, that they should assassinate as many of his Majesty's Ministers as possible; that they should draw lots to assassinate some of the Ministers; and whoever the fellow was on whom the lot fell, he should murder the Minister, or be murdered himself; and that if any man failed in the attempt, he (Brunt) swore by all that was good he should be run through the body. On which I got up, and said, "Mr Brunt, do you not think it possible for a man to attempt such a thing and not succeed in it?" and do you mean to say he should be run through the body for not doing it?" To which he said, "I do not; if a man should attempt it and not succeed, he is a good man; but if he shews any cowardice, he deserves to be run through the body." This proposition of Brunt's was then put to the meeting. Soon after this, Palin, Potter, and Strange, came in. They were wel-

comed, and were desired to sit near the fire, as they were wet. Palin said, "There is one thing I want to know; if it can be done, it will be a great assistance to our plan; I want to know what men are to perform each part of the plan, and who are to take the cannon. I want to know, in calling upon the men, whether I can tell them in part or whole what is to be done." The chairman said, "I don't see where the harm is of telling what is to be done." Mr Palin, seeing he had that liberty, sat down quite satisfied. Nothing regular was transacted in the chair after that. Mr Thistlewood said, "O, Brunt, that is well thought of, as Palin is here; you and Palin go and see if the house near Furnival's is fit for setting fire to." They went (Palin and Brunt) and reported it would make a d——d good fire. Thistlewood talked of getting means for a treat on Tuesday and Wednesday. Brunt said, he would be d——d but he would contribute the only 1*l* note he had earned for a long time. They proposed the White Hart for the house. Thistlewood proposed his own room, but afterwards thought it would not do, as it might lead to suspicion. This was all on the Sunday morning. On Monday morning they met again. Witness then told them what Hobbes told him on Sunday night, of inquiries made respecting radical meetings at his house, and that information of it was given at Bow-street office, and at Lord Sidmouth's office. Harrison turned round on witness like a lion, and said, "Adams, you have acted d——d wrong." Brunt said so too, and added, "Whatever you have to communicate, you have no business to communicate but to me and Thistlewood." Witness said, it concerned all, and he should tell all of it. They repeated the same observations. They talked of calling a meeting of the Mary-le-Bone union, as they wanted some money;

and Brunt said, it would be of use for that purpose. Witness and Potter went in the evening to the White Hart, Pall-mall, and Bratburn joined them. Next morning they were there too, and with them Thistlewood, Tidd, Ings, Harrison, and Brunt. Edwards came and told them there was to be a cabinet dinner next night. Thistlewood said he did not think it was true. A newspaper was sent for, and read by Thistlewood. He read that they were to dine at Lord Harrowby's, Grosvenor-square. Brunt then said, "I'll bet——d if I don't believe there is a God. I have often prayed that he would bring all these thieves together, in order to destroy them. He has answered my prayer." Thistlewood proposed, that they should form a committee and sit immediately. Witness took the chair. Thistlewood proposed immediately a fresh plan to be formed respecting the assassination. Witness expressed a hope they had paid due consideration to what he said yesterday. All got into confusion. Harrison said, "D—n that man who attempted to throw cold water on the plan, but he would run him through with the sword." Witness left the chair, and Tidd took it. Brunt moved that a watch should be set on the Earl of Harrowby's house that night. The object was to see if any men or soldiers went into Earl Harrowby's. Two were to go at six, to be relieved at nine, and they were to continue till twelve. The watch was to be resumed at four next morning. Thistlewood said he hoped they would be satisfied that no officers or soldiers went in. They would do what they had determined to-morrow evening; and added, that it would answer their purpose much better than to attack their houses separately, when only two or three could be got together. Here they would have 14 or 16; a rare haul to murder them all. "I propose," continued he, "when the door

is opened, to rush in, seize the servants, present pistols, and threaten to kill them if they make any noise; two to take the entrance to the stair upwards, and two others to the stair to the lower part of the house, armed with blunderbusses and hand-grenades; and if any attempt to pass, to throw hand-grenades and destroy them all. Others are to go where the Ministers are, to murder them all. If there shall be any good men, kill them for keeping bad company." All agreed. Ings said, he would go in first, with a brace of pistols and knives. The two swordsmen would cut off all their heads; and Castlereagh's and Sidmouth's should be flung in a bag by themselves. He added, "I shall say, my Lords, I have got as good men here as the Manchester yeomanry; enter citizens, and do your duty." Harrison and witness were to be the swordsmen. After the execution of Lord Harrowby, at his house, Harrison proposed that some should go to King-street horse-barracks, and set fire to the premises by throwing fire into the straw in the stable. Harrison and Wilson were to go to Gray's-Inn-lane, and in case they could not carry the cannon out of the military school, they were to wait till a party came to assist them. Thence they were to proceed to the artillery barracks, to assist Cooke in taking the cannon there. If they found their strength sufficient to proceed, they were to advance to the Mansion-house, and plant three of the cannon on each side of the Mansion-house, and to demand the Mansion-house. If it were refused, they were to fire, and then it would be given up. The Mansion-house was to be made the seat for the Provisional Government. The Bank of England was next to be taken. They would take the books, which would enable them to see farther into the villainy of the Government. The further parts of the plan were delayed

till Wednesday. They agreed upon a sign and countersign. The word was "Button;" the man who came up was to say B-u-t; the other was to reply t-o-n.—Being asked as to the watch, witness said, There are other things which I wish to state. I went there next morning, and found Ed-wards, Ings, and Hall, making fuses for the hand-grenades. Davidson went on the watch at six. Witness and Brunt went to relieve the watch. They saw Davidson in the square, on the watch. They went into a public-house, where Brunt played at domino with a young man. About eleven they went out into the square, and walked for some time, till witness got ashamed of himself. They went away at twelve o'clock. He went next day to Flox-court, between two and three. He found Brunt there. Strange came in, and in a few minutes afterwards two more strangers. Strange and another were trying the flints. They went into a back room to avoid the strangers, where witness saw cutlasses, blunderbusses, &c. Thistlewood, Ings, and Hall, came in. Thistlewood said, "Well, my lads, this looks like something to be done." He touched witness on the shoulder, and asked how he was. Witness replied that he was very unwell, and in low spirits. Thistlewood sent for beer and gin. Thistlewood then wanted some paper to write bills on. Witness said, cartridge paper would do. The paper was brought; and table and chair were got. The bills were then written; they were to be set on the houses, to let the people know what had been done. Thistlewood read as part, "Your tyrants are destroyed—the friends of liberty are called upon to come forward—the Provisional Government is now sitting. James Ings, Secretary. February 23." Thistlewood was much agitated, and could write only three. Another bill was

written, which was an address to the soldiers. Another person was employed to write it, and Thistlewood dictated to him.—Witness said he would tell what he had seen—Ings had two black belts on, one for two pistols, the other for cutlasses. He had two bags on his shoulders like soldiers' haversacks. He looked at himself and said, he was not complete yet, he had forgot his steel. He took out a large knife, and brandished it about, and said, it would cut off the heads of Castlereagh and Sidmouth, and it would be thought a great deal of at some future time. The knife was a large broad knife, 12 inches long, the hand bound round with wax to keep a firm hold of it. Others were busy at other arms. They began to leave the room about half-past four or five, to go about the business. Palin came in half an hour before. Palin said, they ought to be aware of what they were about, and to think within themselves whether they were to do their country service or not, and whether the assassination would be countenanced by their country. If they thought their country would join them, then the man who flinched should be run through on the spot. Unless they came to this determination they would do no good. A tall man came in, and asked what the business they were about was. Witness had never seen him before. The tall man said, if they were to serve their country, he was their man, and if any one was afraid of his life, he ought to have nothing to do with such a concern as that. Thistlewood was then gone. Brunt was told, that inquiries were made by some who were present, as to the plan they were about. Brunt said, that was not the room for telling that; but they should go with him, and they would know. Brunt promised spirits; and the tall man cautioned against drunkenness, as ruinous to a cause like that.

They went along the street, two and two, and at some distance, that they might not be observed. There was a ~~cupboard~~ <sup>cupboard</sup> in the room used for swords, hand-grenades, and flannel bags for cartridges, one of which was full. The rest of the arms were in Tidd's room; that was the depot. Thistlewood was always in a hurry to carry every thing that was got ready into the depot, lest any officer should see it. Witness carried a brass-barrelled blunderbuss. There were pikes made of old files. Witness as he went on missed all his associates. He returned back, and met Bruut, who returned back with him along the Edgware-road, till they met Thistlewood. They went all together to the stable in Cato street. Witness staid behind till Harrison came up, and made him go in. He saw there, Davidson and Wilson below, Thistlewood, Ings, Hall, Bradburn, Strange, Cooper, the tall man, and others above. There were, as Thistlewood calculated at last, eighteen above, and two below. There was a bench above, and arms on it. Some beer was standing on the table. There were lights. There was a chest. Before Tidd came, Thistlewood went out for some time. Witness heard a deal of talk below, and he found Thistlewood, Brunt, Harrison, Davidson, and Wilson. They spoke of the good news they heard, that the carriages were arriving at Lord Harrowby's as fast as they could. Witness went up to the loft, and saw Thistlewood and Brunt much agitated. They spoke of Tidd's absence. Brunt pledged his word that he would come. He soon afterwards came. Thistlewood said, "I hope you will not give up what you are going to do; if you do, this will be another Despard's business." He then counted 20 persons, and said that was enough, 14 would be sufficient to go into the room, and the other six would take care of the servants and doors. They then set

apart 14. The gin bottle was then started.' Thistlewood said, if Lord Harrowby had 16 servants, that was nothing, as they would not be prepared. A noise was heard below. Thistlewood took a candle and looked down to see who they were, and then set down the candle quite confused, according to witness's judgment. Two officers took command of the room, holding small pistols, and said, "A pretty nest there is of you. We have got a warrant to apprehend you all, and hope you will go peaceably." A man who was on the step of the ladder said, "Let me come forward. This was the man murdered. A group of persons had got into the little room, and then came forward, and one of them stretched forward an arm, witness saw nothing in it, and another presented a pistol. The man fell. It was impossible for him to give a particular account of the other transactions. He got away, went home, was apprehended on the Friday, and remained in custody ever since. He identified Davidson, Wilson, Brunt, Ings, Cooper, Harrison, and Tidd. There were two he did not know. They were again called forward, but he said he could not swear to them. He was sent forward near the dock, but he said he did not know them. One of them, he said, he saw at the meeting.

Joseph Hale, apprentice to Brunt, bore testimony to the assemblages and preparations of arms which had taken place at his house. He gave the following account of Brunt's arrival home after the breaking up of the undertaking.

My master came home that night at about nine o'clock. I observed his dress was dirty. He appeared confused. I heard him say to his wife, it was all up, or words to that effect. He said that where he had been, a great many officers had come in. He said he had saved his life, and that

was all. Just as he said this, another man came in. I do not know that man. Brunt shook hands with him, and asked him if he knew who had informed. The man said, no. The man then said, he had had a dreadful blow on the side, which knocked him down. Brunt then said, "There is something to be done yet." After this Brunt and the other man went away together. Mrs Brunt and I after this went to Ings's room. I saw several rolls of brown paper with tar in them. I saw only one pole remaining. I saw something rolled up, and tied round with strings. I understood them to be hand-grenades. I saw an iron pot belonging to Brunt. My master came in about 11 o'clock. He told me to get up in the morning as soon as I could and clean his boots. They were very dirty. He called me in the morning at half past six, and when I got up he asked me if I knew the Borough. I told him yes. He then asked if I knew Snow's-fields. I said no. He then went into the back room, and put the things out of the cupboard into two baskets; one of which was afterwards put into a blue apron belonging to Mrs Brunt. This apron had before this been as a curtain in Ings's room. My master told me that Potter lived in Snow's-fields. When we had the baskets ready, two officers came in and took my master into custody. I knew where Tidd lived. He lived in Hole-in-the-Wall-passage, Brookes's-market. Adams lived next door.

Several witnesses were examined as to points of minor importance.

Thomas Hyden, examined by Mr Gurney.—I am a cow-keeper, was formerly a member of a shoe-makers' club. I knew Wilson there. I saw him a few days before the 23d of February. He met me in the street, and made a proposition to me. He asked me if I would be one of a party to destroy his Majesty's Ministers. He

said they were waiting for a cabinet dinner, and that all things were ready. He told me they had a sort of things which I never saw,—they were called by the name of hand-grenades,—and he said he depended on me to be one. He said that Mr Thistlewood would be glad to see me, if I would be one. He said the use to be made of the hand-grenades, was to be put under the table (at the cabinet dinner) with the fuse alight, and those who escaped were to be destroyed by the sword or some other weapon. He also said that fires were to be lighted, and the town to be kept in confusion for several days, till the thing became general. He named some houses Lord Harrowby's, Lord Castlereagh's, Lord Wellington's, Lord Sidmouth's, the Bishop of London's, and several others which I do not remember. I told him I would make one. This was, I believe, four or five days before the Cato-street business. Before that I went to Lord Harrowby's; I do not remember the day. I followed his lordship in the Park,—I gave him a note. On Wednesday the 23d I saw Wilson again. I believe it was between four and five o'clock in the afternoon. I met him in Manchester-street, Manchester-square. He said, "Hyden, you are the very man I wanted to see." I asked him what there was going to be; and he said there was to be a cabinet dinner at Lord Harrowby's, Grosvenor-square. He told me I was to go to the Horse and Groom public-house, the corner of Cato-street. I was to go in there, or otherwise I was to wait at the corner until I was shoved into a stable close by. I asked him the hour, and he said about half-past five or a quarter before six. I then asked him how many there were to be, and he said 20 or 30. I asked him was that all there was going to be; and he said there was to be another party in the Borough, another

in Gray's-Inn-lane, and another in Gee's-court, or in the city. He said all Gee's-court were in it, but they would not act till after the English began, as they had so often deceived them before. Gee's-court is inhabited by Irish. It is at the St Giles's end of Oxford-street. He also said there was a gentleman's servant supporting them with money, and if they would act on the subject, he would give them a great deal more. He asked me if I had a gun, and I said yes, but it was only a rubbishing one. He then said they would provide me with a gun, and something to work with. There were, he also said, two pieces of cannon in Gray's-Inn-lane, which they could get by breaking in a small door. He said there were four pieces of cannon in the Artillery-ground, and they could be very easily taken, by killing the centinel. After they left Grosvenor-square, they were to meet near the Mansion-house. I was told to come to my time, or the thing would be done before I came. I went to John-street that evening. It was nearly 7 o'clock. The entrance to Cato-street is a little gateway from John-street. When I got there I saw Wilson and Davidson. I had seen him (Davidson) before. Davidson said I was come, and he asked me if I would go in. I said no, as I was going somewhere else to look for some cream. He said if I would go in, Mr Thistlewood was there. I asked him what time I should be there, and he said 8 o'clock. If I were not there in time, he said I was to follow them down to Grosvenor-square, and at the fourth house from the corner, at the bottom of the square, I should find them.

A note was here put into witness's hand, which he said was the one given by him to Lord Harrowby. It was in his own hand-writing.

Cross-examined.—The reason why I gave the note to Lord Harrowby

was, because I could not see Lord Castlereagh.—I did not call at Lord Castlereagh's house, but I went three or four times near the house, in order to see him. I did not see him, and then I gave the note to Lord Harrowby. I am certain that in Wilson's conversation with me, the words, "His Majesty's ministers," were used.

The Earl of Harrowby examined from the Bench by the ATTORNEY-GENERAL—I reside in Grosvenor-square, on the south side, near Charles-street, next door to the Archbishop of York's. I am a Privy Councillor, and one of his Majesty's ministers. I am President of the Council, and one of the Cabinet. On the 23d of February last I intended giving a cabinet dinner; I think it was on Wednesday the 23d. Only those who compose the Cabinet are invited to Cabinet dinners. I believe the invitations went out the latter part of the week before, but my head servant can speak to that more correctly. Invitations were sent to the Lord Chancellor; to the Earl of Liverpool, the First Lord of the Treasury; to Mr Vansittart, the Chancellor of the Exchequer; to Earl Bathurst, the Secretary of State for the Colonial Department; to Lord Sidmouth, the Secretary of State for the Home Department; to Lord Castlereagh, the Secretary of State for Foreign Affairs; the Duke of Wellington, Master General of the Ordnance; Mr Canning, the First Commissioner of the India Board; Mr Robinson, President of the Board of Trade; Mr B. Bathurst, Chancellor of the Duchy of Lancaster; Mr Wellesley Pole, the Master of the Mint, and the Earl of Mulgrave; all these are Privy Councillors. They are employed in the different offices I have mentioned, and also form what is called the Cabinet. In common parlance they are called his Majesty's Ministers. On the Tuesday before the intended

dinner, I was riding in the Park without a servant. It was about two o'clock. I went to a council at Carlton House. I am not positive as to the hour. As I came near Grosvenor gate a person met me, and asked me if I was Lord Harrowby. I said yes. He said he wished to give a note to Lord Castlereagh, which was of considerable importance to him and to myself. He then gave me a letter. After some further conversation, he gave me a card, with his address. I saw the man again by appointment on Wednesday morning in the ring among the young plantations in Hyde Park. The dinner did not take place at my house on Wednesday. The preparations went on as if the parties were to dine together, until I wrote a note from the Earl of Liverpool's to my head servant, to say the Cabinet would not dine there. It would be seven, or half past, at which the party would dine.

Cross-examined by Mr Curwood.—I had some general knowledge of some conspiracy, or something of the kind, going on before this. I do not know a person named Edwards. We had some general information a considerable time before this, that some plan was in agitation, but we did not know the time at which it was to take place, or the particulars. I will not say to two months. It was some considerable time before this.

John Baker examined by the ATTORNEY-GENERAL.—I am butler to Lord Harrowby. The cards of invitation were issued for the Cabinet dinner on the 18th or 19th. It was about eight in the evening of the 23d when I first knew that the Cabinet were not to dine at my Lord Harrowby's. The preparations went on for it till then. The Archbishop of York lives next door to my Lord Harrowby's. I can't say whether his Grace had company on the 23d of February. I noticed several carriages draw up at his door.

John Monument examined by the SOLICITOR-GENERAL.—I am by trade a shoemaker. I generally live near Brook's-market, but I am now a prisoner in the Tower. I know the prisoner Thistlewood. I met him at the house of one Lord some weeks before the transaction of the 23d of February. He afterwards called upon me at my lodgings. He was not alone. Brunt was with him. He told me that he wanted to speak with me in private. In consequence I went out of the room with him, my mother and brother being at that time in the room with me. Brunt staid behind when I went out. Thistlewood then said to me, "Great events are now close at hand—the people are every where anxious for a change. He had been promised support by a great many men, who had deceived him, but he had now got men who would stand by him." He then asked me if I had any arms. I said, "No, I had not." He said, that every man of them—that is, of those who were attached to him—had arms, pikes, pistols, or sabres; and added, that I might buy a pistol for four or five shillings. I said that I was too poor to buy one. He replied, that if such were the case, he would see what could be done for me. Brunt called upon me again in four or five days. He said that he could not stay long with me; there were several more men of his trade waiting to see him on this business, and he must call on them. I did not see him afterwards for some time. He called, however, again upon me on the Tuesday previous to the 23d. I then told him that I thought I had lost him, as he had staid away so very long. He replied, that owing to the King's death, an alteration had taken place in their plans. I asked him what those plans were. He said that I should know them better at a meeting to be held the night afterwards, than he could tell me. I asked

him where the meeting was to be. He said at Tyburn-turnpike. He did not tell me what was to be done there. I asked him, if I was to see any persons there how I was to know them as friends, and requested him to give me the word. Brunt then told me, that if I saw any persons about, I was to say *b-u-t*; and if they were friends, they would say *t-o-n*. He would, however, call on me the following morning, and tell me more particulars. On the Wednesday afternoon, between four and five, he did call again: he came by himself. He called me down stairs, and asked me if I was ready to go. I said, "No, I have got some work to do, and it must be done before I go." He asked me how long it would be before it was finished. I said, that it would be done about six o'clock. He then said, that he could not wait for me so long—that I must therefore come to the place appointed along with the man to whom he had introduced me; that man's name was Tidd. He charged me not to be later than six o'clock, as Tidd had others, as well as myself, to take with him to the place of meeting. I went to Tidd's at half past six, who complained that many men had disappointed him. We waited till seven, but no person came. Tidd then went into a corner of the room, took out a large pistol, and stuck it in a belt which he wore round his waist. He also took out four or five pike-heads, which he wrapped up in brown paper. He took also several shafts, four or five feet long. We then went out, along Holborn, and up Oxford-street. I asked him, in his room, where we were going. He said, to a room in a mews in John-street, Edgeware-road. When we got into Holborn, he gave me the pike-shafts, and told me to take care of them. I asked him again, as we were going along, where we were going; and wanted to know whether it

was to the House of Commons. He said, "No, there were too many soldiers near there." I again pressed him on the subject, and he said that they were going to Grosvenor-square, as there was a Cabinet-dinner there that evening. I did not ask him any more questions; for, on his saying that, I was satisfied for what purpose they were going. We then went to Cato-street. Under the archway I saw two men, whom Tidd appeared to know. He spoke to them; and after a few moments we all went into the stable together. There were in the loft and stable about 24 or 25 persons. I had not been there long when some one proposed to count the numbers assembled. Thistlewood replied, that there was no occasion to do so, as he knew that were about four or five and twenty persons in the room. There was a person in a brown great-coat sitting on a carpenter's bench, who spoke of the impropriety of going with so small a number to Lord Harrowby's. Thistlewood replied, there were quite enough of them. He only wanted 13 to go into the room; and, supposing Lord H. to have 16 servants, that number would be quite enough to master them. The man in the brown coat said, "After we have done, there will be a crowd about the door, how are we to make our escape?" Thistlewood said, "You know the larger body is already gone to arrange matters; we, the smaller, are left to do the business." Davidson then blamed the tall man in the brown great-coat for throwing cold water on the plan, and added, that if he was afraid, he might as well go away. Brunt said, "Rather than give up the business, I will go to the house and blow it up, though I perish myself in the ruins,—for you know we have got that which can easily do it." The man in the great-coat then said, as they were all for it he would not oppose



it. He then proposed that all in the room should put themselves under the orders of Thistlewood. Upon which Thistlewood said, that all engaged in the business were equal, and should have the same honour as himself; and proposed that 14 should volunteer to go into the room at Lord Harrowby's. Those that volunteered were to range themselves on the side in which the fire-place stood. They did so in the course of a few minutes. Whether they were exactly 14, I don't know. I heard nothing said of what the rest were to do. On somebody asking that question, Thistlewood replied, that they all knew their places. Thistlewood then went out for a few moments. On his return, he said that he had received intelligence that the Duke of Wellington and Lord Sidmouth had arrived at Lord Harrowby's. I was myself taken in custody into the room.

Thomas Dwyer examined by Mr GURNLY.—I live in Cheese-court, Oxford street. Some time in February I became acquainted with Davidson. He introduced me to Thistlewood. We went together to a public-house at the end of Molyneux-street, not far from Cato-street. This might be about the 9th, 10th, or 11th of February. Thistlewood said nothing particular to me at that time. He observed, that he had been in four or five revolutions, and that Ireland was in a disturbed state. I am an Irishman. Thistlewood said, that he had a good many of my countrymen with him. He pressed me to go with him also. I saw Davidson on the night before the 23d. He told me that he was going to stand sentry. The next morning I was called upon by a person, who took me to Fox-court, Gray's-Inn-lane. He was a tall man, and his name is Harrison. We went into a two pair back room; the room door was locked. He knocked at another door, and a woman gave

him the key. He opened the door, and we entered. There was a cupboard in the room, out of which was taken a ball, wrapped up in yarn. Harrison told me the purpose for which it was intended, and called it a grenade. Shortly afterwards Thistlewood, Davidson, and a few more came in. Davidson had a blunderbuss, a pair of pistols, and a bayonet in his side-pocket. Others also came in, but I did not know their names. [The witness was here told to look into the dock, and see if he could identify any of the prisoners as being then present. He instantly identified Brunt.] On Davidson's saying that he had only given 12s for his pistols, Brunt said he would go out and buy a pair. I had some conversation with Thistlewood about the hand-grenades. Thistlewood said, that some of them were to be thrown into the horse-barracks, and others into Lord Harrowby's house, to set fire to it, and blow it up. Thistlewood asked me how many of my countrymen I could muster, as he should want some of them at half past eight that evening. I told him that I could muster about 26 or 27. He told me that they, meaning himself and friends, were to assemble at the Horse and Groom; and ordered me to be at the Pontefract Castle, at the end of Barret's-court, a house much frequented by Irishmen. He told me that I was to pick out the best of my countrymen, and go to the Foundling Hospital, knock at the porter's lodge, put a pistol to his breast, and turn on to the right hand, as there were 25 or 26 stand of arms in the other lodge; these I was to seize. At the same time another party would secure two pieces of cannon which were in the Light Horse Riding School, Gray's-Inn-lane. Another party was in the meantime to go to the Artillery-ground, Finsbury, and seize what was there. He also men-

tioned that there was to be a Cabinet-dinner at Lord Harrowby's, and that the party there were to be attacked.

After this I saw a bundle, containing gun-powder, taken out and laid upon the floor; a time-measure was produced, and several smaller woollen bags were filled with it. This was done by Harrison. I afterwards heard Thistlewood give directions generally to them all. He said that a dozen pike-handles were to be taken to Mary la-bonne, some others to Finsbury, and some elsewhere. I was asked, but refused, to take some of them. I saw a bag; and the powder which had been measured out, and also the grenades, were put into it. I heard directions given to a man by Harrison, to take something to the Horse and Groom, at the end of Cato-street. In the mean time, another person went out to get the pike handles. I got back to my own place at 12 o'clock. I told Major James of what I had seen and heard; in consequence of what he said, I went to the Secretary of State about one, or half past one o'clock that day.

George Ruthven, the police officer, was then examined by Mr BOLLAND—I went, on the 23d of February, to Cato-street. Three others were to meet me there. When we were all assembled, we were about 12 of us. I went into the stable, and saw a man with a sword by his side, and a blunderbuss on his shoulder. I saw one man below, and I have some faint recollection that I saw another. The whole of my party followed me into the stable. On seeing the man with the blunderbuss on his shoulder, I told some of the party to secure him. I went up a ladder which led to a loft. When I got there I saw several men; heard the clattering of arms, and saw swords and pistols. Three or four of my party went up with me. I am sure that Ellis and Smithers were with me. From the view which I had of the place, I think there

were 24 or 25 persons present. The size of that room is 15 feet,—five one way, and ten feet the other. There are two rooms adjoining this, separated by doors. When I got into the room, I said, "We are officers; seize their arms." I saw in the room Thistlewood, whom I have known for four or five years. Thistlewood was standing, at the time we entered, at the right hand side of the table, near the door of the little room. On my saying "we are officers," he seized a sword, which was drawn, and retreated to the little room. The sword was a very long one, and rather bright. He stood in the entry of the door, fencing, to prevent any one's approach. Smithers approached him. Thistlewood stabbed him, and Smithers fell, saying, "Oh, my God! I'm done," or something to that effect. Somebody from the corner of the room where Thistlewood stood said, "Put out the lights—kill the b——rs, and throw them down stairs." The lights were then put out; I joined in their cry of "kill them," and rushed down stairs. I did not observe any thing till I got into John-street, where I met the soldiers, whom I brought. Several shots were fired from the corner of the room where Thistlewood was standing, I think, down the stairs. On arriving a second time at the stable, I met Tidd grappling with one of the military. I secured him. I was afterwards in the public house, (Horse and Groom) and saw Bradburn brought in. On him were found six ball-cartridges, and three balls. Davidson and Wilson were brought in. Davidson sang a song. I then went back to the loft, and found there Shaw, Strange, Cooper, Monument, and Bradburn. I saw arms in the hands of several persons. I found two swords and a bag. The bag contained ten hand-grenades. I also found balls and fuses. They were brought to Bow-street, and remained since in

possession of an officer. Afterwards I went to the Horse and Groom. I had seen Cooper there, with a stick, and Gilchrist came back for it, but did not get it. I observed it cut

James Ellis, by the ATTORNEY-GENERAL.—Went with the other officers to Cato-street on the 23d February: he went in immediately after Ruthven. He saw two men, one having on two cross-belts; either in his right or left holding a carbine, in the other a sword. Witness observed that he was a man of colour. The other person was between the foot of the ladder and the stall next to it, for there were three. He followed Ruthven up as close as he could. The man of colour said something, ending with "men." He heard the men above rushing back behind the carpenter's table, and a noise like fencing with swords. There might be 20 or 25 men. Ruthven said, "We are officers, seize their arms, or surrender your arms." Witness had not known Thistlewood before, but he was satisfied it was he who menaced with the sword. Witness had before held forward his staff of office; he now presented a pistol, and desired him to desist, or he would fire. Smithers then gained the top of the ladder, and advanced towards the little room. Thistlewood struck him with the sword near the breast. Smithers fell back, held up his hands, and exclaimed, "O God!" Witness fired on Thistlewood, and Smithers staggered towards him. The candles were put out, and the witness was forced down. He stood at the door to the street. Several shots were fired! Some balls passed him. On going out, he heard a cry. Saw a man running towards Queen-street, with belts on. He secured him. It was Davidson, the man of colour. He had a carbine in the one hand, and a sword in the other. He afterwards assisted in

securing four, to whom he could not speak positively.

William Westcoat had part in conducting the patrol at Bow-street, and was a constable. He was down in the stable the whole time, and heard firing on the loft. He saw Ings in the stable, who wanted to rush out, while the other officers were up. Witness and Ings had a contest. There was terrible confusion on the loft; some came tumbling down, and some singly. He knew Thistlewood. There was a light. Thistlewood fired at witness. Three holes were in his hat by balls. Witness rushed towards Thistlewood, when he was struck down. Thistlewood then made a cut at him with a sword, and ran out. Witness was wounded in the back of his hand with one of the balls, as he had held up his hand to protect his head.

Hugh Nixon, one of the Bow-street officers, saw Ruthven, Ellis, and the deceased, go up the ladder. He went up, and saw Ellis fire. There was a rush down, and he saw a man fire a pistol; he rather believed it was Thistlewood. Ings was pursued and brought back. Witness found a sword in the stable, and a bayonet up stairs.

John Wright, a patrol of Bow-street, was one of the officers who went to Cato-street. They mustered at the Horse and Groom. He saw Cooper having a broom-stick, and another coming to drink beer. Cooper left the stick. Witness took a sword and a knife from a man who was in the stable, near a stall. That moment he was knocked down, and received a stab in his side. Wilson and Bradburn were afterwards taken. Witness found about two dozen ball-cartridges in Wilson's pocket, and a pair of scissors; and found two haversacks on his sides.

William Charles Brookes, a patrol, being directed by Mr Birnie towards persons passing, saw Ings, and a per-

son in front of him with a cutlass, and spoke to them. Ings fired, and slightly wounded him on the shoulder. Witness staggered into the road. Ings went off towards the Edgware-road. Witness pursued Ings threw away the pistol. Moy took him. Witness asked him why he had fired at him—a man whom he had never seen? He said, "I wish I had killed you." Witness stated, that two haversacks, a knife-case, and a tin box, three parts full of powder, were found on Ings.

Giles Moy confirmed this evidence, so far as he was concerned.

Robert Chapman, one of the Bow-street officers, went to Cato-street; saw Ings in the stable, and heard him say, "Look out, above." Witness, in the watch-house, took from Ings a knife-case, two balls, and a pistol-key. He saw one running through the stable with a sword in his hand.

Captain Fitzclarence appeared on the right of the Bench, and said, he was a lieutenant in the Coldstream Guards; he went with a piquet to John-street on the 23d of February, about eight in the evening. On hearing reports of pistols, they went to Cato-street. He was directed by a police-officer to the stable. He met two men at the door; the man on his right cut at him with a sword, the other man presented a pistol. He got in, and seized a man, who called out, "Don't kill me, and I will tell you all." He gave him up charge, and then secured another man in one of the stalls. On going up stairs, he secured three, four, or five persons. He fell against the body of poor Smithers, who was lying dead. He saw several arms.

Samuel Taunton, a Bow street officer, went to Brunt's lodgings, searching the front and back rooms, and found two baskets. Brunt, who was in the front room, and had been previously taken into custody, said he

knew nothing of the baskets; the room did not belong to him in which they were; it was the back room. In the same room there was a pike-staff and an iron pot. Witness sent for the landlady, Mrs Rogers. She said her niece had let the back room to a man she did not know. Brunt said, it was a man at the public-house, and he did not know his name. Witness then went to Tidd's, in the Hole-in-the-wall-passage, near Gray's Inn-lane. There he found a box full of ball-cartridges, 965 in number; he found 10 grenades, and a great quantity of gunpowder. He found, in haversacks, 434 balls. He found also 69 ball-cartridges, about 11 bags of gunpowder, one pound each. The grenades were in a wrapper. In one of the baskets at Brunt's were nine papers of rope-yarn and tar; in the other, three of the same, two flannel bags of powder, one pound each, and five empty bags, a paper of powder, one leather bag, with three balls in it. They were all here.

Croße-examined by Mr ADOLPHUS. —This was on the 24th. Brunt had been in custody before. Tidd was absent.

Daniel Bishop, a Bow-street officer, went on the morning of the 24th, with other officers, to apprehend Thistlewood, about ten in the morning, to Whitecross-street, Moorfields. The house was kept by Harris. He received a key from Mrs Harris, which opened a ground-floor. There he saw Thistlewood, who thrust his head from under the clothes in bed, the shutters were shut. Witness told his name and business, and having a sword in one hand and a staff in the other, threw himself on the bed. Thistlewood said he would make no resistance. He had his breeches on, in the pockets of which they found two balls, two cartridges, some flints. They also found a small silk sash.

Lavender produced and identified

the belt found in Thistlewood's coat-pocket.

Ruthven produced the pike-staff, grenades, &c.

All the soldiers and officers who had any of the articles seized were now arranged behind the witness-box, and handed to Ruthven their several charges, and Ruthven laid them on the table. A pike was screwed on a staff, and handed to the Jury. The whole of the frightful apparatus was now exposed to view. Guns, blunderbusses, carbines, swords, pistols, pikes, sticks, cartridges, bullets; even the pot in which the tar was boiled—all were produced and identified.

Morrison identified the sword he sharpened for Ings.

Serjeant Edward Hanson, of the Royal Artillery, had examined one of the grenades. It was thus composed:—the tin in the heart contained three ounces and a half of gunpowder, the priming in the tube was saltpetre; there was pitch over the tin, and then rope-yarn, in which were pieces of iron; next the tin was oakum, which was all tarred. In about half a minute it would have exploded. The explosion would do much mischief. Witness proceeded to open one. Five large cart-nails were found in it, and two old stockings. The tube extended from the tin box to the surface, and was about three inches long. The tin was full of gunpowder.

He next examined a fire-ball it consisted of oakum, tar, rosin, and stone-brimstone pounded. Lighted and thrown into a house, if it touched wood, it was sure to set it on fire.

**ATTORNEY-GENERAL.**—This is the case on the part of the prosecution.

The evidence for the panel consisted almost solely of attempts to invalidate the evidence of Adams by that of one Hucklestone, who represented him to have been in the habit of extorting money by false accusations.

**MR CURWOOD** and **MR ADOLPHUS** addressed the Jury at great length on the part of the prisoner. The ground taken was, that the enterprize in which he had engaged, however criminal, could not be justly characterized as treason.

The **SOLICITOR-GENERAL** replied.

**LORD CHIEF JUSTICE ABBOT** proceeded to sum up. Thus, he said, was an indictment against Arthur Thistlewood, the prisoner then at the bar, and several other persons, who, in the progress of the trial, had appeared at the bar, in order to be identified, for the crime of High Treason. That offence had truly been stated as the highest crime known to the law. It was so, because it did not merely produce individual and private evil, as most other crimes did, but, in addition to that, it created great and extensive public mischief. A charge so grave and serious required, therefore, at the hands of an English Jury, (and would, he was sure, from what he had seen, receive) the most mature and patient consideration. The charge, as it stood in the indictment, consisted of several counts. 1st, Conspiring and imagining to depose the King; 2d, Conspiring and imagining to put the King to death; 3d, Conspiring and imagining to levy war against the King, in order to compel him to change his councils; and, 4th, Actually levying war against the King. Two of these offences, conspiring the deposition of the monarch, and levying war against him, were declared to be treason, by a statute passed so long ago as the reign of Edward the Third. In the construction of that statute, it had been held, not only in many cases decided in this county, but also in the opinion delivered to us by various learned writers on this law, that all conspiracies and attempts to depose his Majesty, and all conspiracies to levy war against him, were treasonable,

and must be considered as overt acts, proving an intention to take away his life; because, as historical experience shewed, the death of a sovereign generally followed the loss of his kingly authority. But, in order to remove any mistake that persons might fall into on this subject, a statute was passed in the reign of his late Majesty, similar in substance, and nearly so in language, to statutes that had been enacted in former years, but which had expired. By that statute, the conspiring or compassing to depose the King, or to levy war against him, were declared to be substantive treasons. Some of the persons called before them on this occasion were represented, and truly represented, to have been accomplices in this traitorous design. This character did not, however, apply to all the witnesses who had been brought forward. Much observation had been made on the degree of credit that ought to be given to persons who admitted that they had joined in the design. On this point he should only say, that according to the law of this country, and, he believed, of every other, accomplices were considered competent witnesses; but the credit that should be given to them was matter of consideration. The evidence of an accomplice was to be weighed, with reference to the probability of the story he told, the confirmation of it, so far as it was capable of confirmation, and the absence of that contradiction which might be adduced, if the story were false. There was, however, no rule of law which said, that the testimony of an accomplice ought to be credited; neither was there any rule of law which declared that it must be rejected. To declare the latter would be to open the door, and give the greatest latitude and impunity to crime. For, as had been said by the learned counsel for the prosecution, if such a doctrine

were acted on, bad men would feel that they might proceed in their base designs with perfect security, and they would trust each other without reserve; whereas bad men now distrusted each other; they were afraid of detection; and that distrust prevented the commission of many offences which could not be perpetrated without the assistance of several persons. Having made these general observations, to direct their attention to the evidence, he would now, some hours having elapsed since the witnesses were heard, read to the Jury such parts of the testimony as were necessary for their consideration in coming to a decision. [Here his lordship proceeded to recapitulate the evidence, briefly commenting on it as he went on.] The first witness was R. Adams, who undoubtedly stood in the situation of an accomplice. But, if the story he told were false, there were several persons mentioned by him, and they could have been brought forward to disprove his statement, and to discharge themselves of the crime imputed to them, if they were innocent, but whom the Crown could not compel to appear. This witness said, that the officers, when they entered the room in Cato Street, cried out, "Here's a pretty nest of you—we have a warrant to take you all;" and the officers swore they only called out, "We are officers—surrender." This difference was not material. The two expressions were nearly the same in import; and, in the scene of confusion which undoubtedly occurred on the entrance of the officers, it was very possible that a mistake might arise as to the exact expression used. That part of the evidence in which Adams described his irresolution, gave, his Lordship observed, the exact picture of a man of weak mind, not knowing whether he should go on or recede—balancing whether he should remain true

to his associates, or make a discovery—and who, when taken into custody, did come to the resolution to disclose all knew. If his testimony were true in substance and general effect, it proved not only a determination to assassinate his Majesty's ministers, but shewed to them that that was only a part of a more extended and general plan, which embraced the seizure of arms, the taking possession of the Mansion-house, and the forming of a provisional government; a plan formed on some vain expectation, that if the blow were ever struck, there were a great number of people in the metropolis who would readily join in the scheme, and levy war against his Majesty. Such an expectation was vain, then, and he hoped would ever be found so, when such treasonable attempts were made. This witness mentioned a man named Edwards. Why he was not examined, his lordship could not say. Perhaps the prosecutor did not wish to call him, for very good reasons. How far the Jury would disbelieve Adams, on that account, it was for them to say. What he had remarked on the evidence of this witness, he was sorry to say, was considerably against the prisoner. As to the character of Adams, before this transaction, they knew nothing. No person had said any thing about it. Hyden was a witness of a very different description; for he, it appeared, disclosed all he knew early enough to prevent the mischief that was meditated. John Monument, another accomplice, corroborated Adams. He stated that the prisoner said to him, "Great events are at hand—the people every where are anxious for a change." This observation shewed that the assassination of ministers was not the sole and only object of the parties. The evidence of Thomas Dwyer, as far as it went, confirmed the testimony of those who were examined before him. If his

statement were correct, the prisoner told him the general plan and object which he and his associates had in view. These were the four witnesses called to explain the designs of the accused parties. Two of them were accomplices—but, in general, none but accomplices could be acquainted with such foul and illegal designs. The two other witnesses did not stand in the same situation. Communications were made to them, on the subject of the conspiracy, it appeared, with little reserve—a circumstance of which the Jury were to judge. A great many other persons had been called, chiefly for the purpose of confirming the testimony given by these witnesses; for, if they had spoken to truth, without farther evidence to the facts, treason was undoubtedly proved. They proved the intention to levy war, to form a provisional government, and, of course, to change the government as by law established. Eliza Walker proved that the prisoner, Brunt, had hired a lodging for Ings in the house where he resided; and Joseph Hale, Brunt's apprentice, deposed to the meetings that were held from time to time in Brunt's room. He proved that meetings were held there every evening, and that grenades, fire-balls, and pikes, were on the premises. Thomas Sharp, a watchman, deposed, that he saw four suspicious persons, on the 22d of February, watching about Lord Harrowby's house. Morrison, a cutler, proved that Ings brought him two swords to sharpen, and a sword found at Cato-street appeared to be one of them. Alderson, a pawnbroker, deposed, that on the 23d of February, Davidson took a blunderbuss out of pawn. Thomas Monument, the brother of John, confirmed his testimony in several points. This was the evidence confirmatory of the testimony of the first four witnesses. Many of the facts

stated by Adams were spoken to by them; but the treasonable purpose could not be well proved, except by accomplices. Information on that point could scarcely be expected from a pure source; Hyden was a witness of that description; but Dwyer, to a certain degree, was not. The prosecutors then called persons to prove what occurred at the stable in Cato street; and Captain Fitzclarence, and several Bow-street officers, gave a detailed account of the transactions there. It did not appear to him necessary that he should go, in detail, through the testimony of these witnesses. It was not necessary to inquire by what particular hand a gun or a pistol was fired; but it was material to observe, that when the officers did come, many, at least, of the persons present, made a most desperate resistance. A knife, said to belong to Iugs, was found on the premises; and two bags and a case knife were found on his person. The bags were important, because it was sworn that he stated the purpose for which he brought them. It was argued by the counsel for the defendant, that they were meant for the reception of plunder, and not for the horrible purpose that had been stated; but this did not invalidate the testimony of Adams, because Iugs might not have wished to declare that he meant to put plate in the bags, and, if so, he might have said what he was sworn to have uttered, as a reason for carrying them. This closed the evidence for the Crown. On the part of the prisoners, Mary Barker was called, who, the Jury would recollect, was not cross-examined. This arose from a commendable delicacy, on account of the near relationship in which she stood to one of the prisoners. The Jury would say, whether her evidence went at all to shake the case. Indeed, it appeared from her statement, that she had seen at Tidd's lodgings in-

struments similar to those produced in Court. A man named Hucklestone was then called, to prove that Dwyer was not to be believed on his oath; and he stated, that he thought he was not worthy of belief, because Dwyer had informed him that he procured money by accusing gentlemen of unnatural propensities. This, however, was entirely contradicted by Dwyer; and it was for the Jury to say which of the two witnesses were entitled to their credit. Joseph Doane, the Court reporter, stated, that he did not furnish the New Times with the paragraph relative to the Cabinet dinner; but it appeared from the evidence of Andrew Mitchell, that it was prepared by a person of the name of Lavenue. It was, however, a matter of no consequence how the paragraph found its way into the paper, since it was proved that a Cabinet dinner was intended to be given on the 23d of February. This was the whole of the evidence on each side. No witness was called to impeach the veracity of Adams, Hyden, and Monument. And if they gave credit to any one of those persons, (even to Hyden, who supposed what the others told them, and whose account, though more concise than theirs, was the same in effect,) they must find a verdict against the prisoner. Besides the testimony of the witnesses, they had seen on the table a considerable quantity of arms, which were proved to have been found in Cato-street, and at the lodgings of one of the prisoners. It was almost conceded, that a conspiracy was entered into for the purpose of assassinating his Majesty's Ministers at Lord Harrowby's house. Indeed there could be little doubt of it. If, then, it were admitted that this most wicked scheme was entertained, it was for them to consider whether it could reasonably be supposed that that was all that was intended. They were to consider, what



was the probability that those persons, unconnected in any respect with each other, except so far as this plan brought them together—and certainly quite unconnected with the persons who conducted the affairs of his Majesty's government—did not view that assassination as part of a scheme, having for its object a general and tumultuous rising of the people, to levy war against the King, or whether they conspired to effect that assassination alone;—whether they adopted this plan to satisfy their thirst for blood, or to accomplish that ulterior scheme to which the witnesses had spoken. In deciding this question, it was fit that the Jury should attend to the great quantity, as well as the nature of the instruments produced. They certainly were far more in number than could have been wanted, or used in the abominable attempt that was to be made at Lord Harrowby's. Some of them could not have been used there at all. The hand-grenades might have been thrown, but the fire-balls could not have been used for the purpose which they meant to effect at that house. When those dangerous articles were found, some at one place and some at another, it was for the Jury to take the circumstance into their serious consideration. If, on a view of the whole case, they, as just and conscientious men, felt satisfied that a conspiracy to levy war was made out in proof before them,—if their minds were freed from all doubt on the subject, they would, he was convinced, discharge the painful duty that devolved on them with proper firmness. But if, after a due examination of all the circumstances, and after attending to the observations of the very eloquent counsel who had addressed them on the part of the prisoner, first and last, their minds were not satisfied that the case was proved, they would discharge the more pleasant duty of

acquitting the prisoner. The case was now in their hands, and he doubted not but their verdict would be consonant with the principles of justice.

The Jury then retired, but in a few minutes returned into Court, and requested his Lordship to read to them the Act of the 36th of Geo. III.

Lord Chief Justice ABBOT said, he meant to hand it to them; but he would in the first place state, that, by the terms of the statute, it was to continue in force during the life of his late Majesty, and till the end of the next session of parliament; therefore the Act had not expired when the alleged conspiracy was discovered. But if it ever had expired, it would have been of no consequence, since, by a late Act of Parliament, the statute of the 36th of Geo. III. was made perpetual. His lordship then read the Act, and particularly pointed out the clause which made it treason “to compass, imagine, invent, devise, or intend to deprive or depose the King from the style, honour, and kingly name of the imperial crown of this realm; or to levy war against him within this realm, in order to compel him to change his councils.” His Lordship observed, that it seemed to be admitted by the counsel on both sides, that if the project stated on the part of the prosecution were proved, it fell within the meaning of this Act; for, if a provisional government were formed, the royal style must of necessity cease. To levy war did not require soldiers drawn up in military array. It was sufficient if a number of people met to do some public act, in which they had no private interest, but which affected the country at large. Devising to force the King to change his measures, was always considered a levying of war, under the old statute of Edward III.

The Jury again retired, and, in about a quarter of an hour, returned

with a verdict of—*Guilty, on the third and fourth counts of the indictment.*

In the following days took place the trials of *James Ings, Thomas Brunt, Robert Tidd, and William Davidson.* On each of these occasions all the above evidence was again gone over, with very little variation. In the trial of Ings, the following was stated by Adams in his cross examination:—

I was born in England. I was a Christian. I once ceased to be a Christian. I was a Deist, and ceased to be a Christian. I was convinced I was wrong even before I was taken. I ceased to be a Deist since I was taken. I renounced Jesus Christ in August last. I have believed in religion since I was taken. I never was an Atheist. I never renounced the belief in God. I was induced to become a Deist by that cursed work of Paine's. I have never had any intention of joining in the commission of murder. I never intended to inform against the party. I waited for an opportunity to creep out of it. I was afraid of the threats before this. I was not even disposed to rob the shops. There was no threat at one time; there were threats against me before I went to prison.

At the conclusion of this trial, Ings made the following address:—

Gentlemen of the Jury—I am a man of no education, and I hope you will excuse my humble ability. I left Portsea on the 8th of May 1819. My reason was that I could get nothing to do, in order to support my family. (Here the prisoner was strongly affected.) I had no prospect for myself or my family. I thought I could get employment in London, but I was sadly disappointed. I tried every thing, but I could not make any thing. I had some money when I came, and I lost a considerable deal of money, neither by drinking, nor gambling, nor any thing of the sort, gentlemen. I took a house in Baker-street, and carried on business

as a butcher, from Midsummer to Michaelmas. The summer was very hot, and that was against me. I removed to Mount-acre, and kept a sort of coffee-house and eating-house. I persuaded my wife to return to Portsmouth, as she would be better there without money, amongst her friends, than in London. Men used to come to my house to take a cup of coffee and talk of politics, and of the Manchester massacre. I paid no attention. I one day met with this man. He said I did not stand drunk. I said I had no money. I mentioned that I had a bedstead and various articles of furniture to sell. He proposed to get them bought, but did not. This was on the 20th of January. I met him again in Fleet-market. He talked of getting my sofa bought by a friend of his. He said, "There is something to be done, come and take some cheese and beer." He took me to the White Hart. He said his name was Williams, but Edwards is his real name, as I found since. I left the sword for him, to be sharpened. Is it supposed that I would have left any thing of this sort in my own name, if I did not do it for him? I got meat and drink whenever I went to the White Hart. I met him again in Bishopsgate-street; he said there was something to be done, and desired me to come to the alley opposite Mrs Carline's. I understand, by the list of witnesses, that he lives at a side-door up that alley. I went. He gave me bags, and said there was some gun to be put in them, and it was for that reason I carried them under my coat so sly, for fear that they should be seen and suspected. We went up Oxford-street. He told me to wait there, and I waited an hour. He brought me then to a place, I forget the name of the street—John-street, the place where the arms were taken. I never saw the place before. I saw Davidson at the door. There was great confusion above. I declare, before you and God, I never

was on the loft at all. I was not two minutes there. Officers entered. You, I think, Mr Ruthven, entered first ; the third collared me, and said, " You are my prisoner." I said, " Very well." He began by beating me with his staff till my head was swoln. I heard a pistol fired, I got out. I was struck by a man. I was stopped by a watchman, and taken into custody. This man was at all the meetings. I am sold like a bullock in Smithfield-market. The Attorney-General knows the man. He knew the plans and every thing two months before. I consider myself murdered, if he is not brought forward. I would not be very unwilling to die if he were to die on the same scaffold with me. He has been guilty of every thing. He has contrived the plot, if there has been a plot. I don't value my life, if I cannot support my wife and children. [Here he raised his voice to a vehement tone, and wept bitterly. He continued to speak in the same weeping tone to the end of his address.] I have a wife and four little children. I was driven to every distress. I hope, gentlemen, before you find a verdict, this man will be brought forward, because I consider myself a murdered man. Edwards came to me, I did not go to him. I was once at a public-house in Brooks-court ; but I never was at any meeting at all. I was at no radical meeting. I was not at any Smithfield meeting. That man, Adams, who has got out of the halter himself by accusing others falsely, would hang his God. I would sooner die, if I had 500 lives, than be the means of hanging other men.

Brint, in his address to the Jury, admitted his having been in Cato-street, but denied any definite plan of assassination. He said, when Thistlewood urged the necessity of acting, or that it would be a Despard's business, as has been mentioned, all were unwilling

to act, and it never was agreed to do any thing. As to my endeavouring to go with 14 men, I never would ; I never was so deprived of reason as to go to certain destruction in that way. Two circumstances have been mentioned which contradict themselves. Adams has said that I said, " If but six men go with me, I'll blow the house about our ears." This is false. Monument has said that I said, " I would bury myself in the ruins." Is this consistent ? Is this evidence to take away my life, —to deprive my son of his father, my wife of her husband ? When I was in Cold-bath-fields, after I had been three days in such a state that I could scarcely wash myself, Monument came to me with Cooper and Strange, and said, " What did you say when you were before the Privy Council ?" I replied, " I said I knew nothing of the matter." I was induced by this to ask Monument, " What did you say ?" He answered, " I could say nothing ; you told me nothing ; why did you not tell me ?" This shews that he had an intention to betray me, like that villain Edwards. Sooner than betray any individual, my lord, although I have been enticed into this base plot, sooner than betray a fellow-creature, I would be killed on this spot ; yes, I would sooner be racked upon the wheel.

On the 28th April, the prisoners convicted on these several trials were brought up to receive their sentence.

Thistlewood made a speech of considerable length—He began by saying—that he was asked, what he had to say why sentence of death should not be passed upon him ? This was but a mockery, for, if he had the eloquence of a Cicero, he was conscious that it would avail him nothing against the vengeance of Lords Sidmouth and Castlereagh. He would, however, offer a few observations ; not that he expected any thing from the justice or pity of the Court—their pity he did

not want—justice was all he required; but he wished to protest, and he now did protest against the whole of their proceedings on these trials, as unjust and partial. Their conduct had been guided by ambition, and he could not expect fairness from them. He had found the judges, who used to be rather the counsel for the prisoners, not only now against them, but their most implacable enemies; and, in one case, the Jury had got a reprimand for appearing disposed towards the prisoners. He had undergone the etiquette of a trial, but he had been denied justice. He would much rather be murdered at once than have this form. He had been denied a request which he made to have witnesses called into court, respecting some of the witnesses against him; but this was inhumanly refused. He looked, therefore, upon himself as a murdered man. After some other observations, which were not sufficiently audible, he proceeded:—He had, perhaps, but a few hours to live—a short time, and he would be no more—but the night winds which should blow over his cold remains, when he should be free from further harm, would waft to the pillows of those who tried and prosecuted him feelings of anguish and remorse. He cared not for his life; but his memory would live, and he wished to preserve it from that obloquy which he knew his enemies would be anxious to heap on it. He would therefore give a short sketch of his life recently—and say something of the present case. He again repeated, that his trial was but a mockery; and he challenged any of his judges to say that he was not falsely murdered. The evidence which he had offered, after his counsel had concluded, was rejected. He could have shewn, by that evidence, that one of the principal witnesses against him was infamous, and unworthy of credit on his oath; but this was not allowed, and

he had been sacrificed to forms. With respect to his intentions towards Lord Sidmouth, and others, he had no personal hatred to him, notwithstanding the manner in which he (Lord Sidmouth) had plundered him. But he looked upon him and others as having caused the murder of thousands. He alluded to the massacre at Manchester, where fellow-creatures were butchered without mercy—where even the innocent babe at the breast did not save the wretched mother from destruction. It was the recollection of these circumstances which had fired his mind. He had the prosperity of his countrymen at heart, and he wished to rescue his country from such oppressors, and he intended that their blood should be a sort of *requiem* to the souls of those who were innocently murdered. He was in this mood when he first met with Edwards. When he first knew him, he (Edwards) lived in Picket-street, without a bed to lie on, or a blanket to cover him. After this, he told him (Thistlewood) that he was a relative to a German baron, whose property he claimed, and that Lord Castle-reagh had assisted him in supporting his claim. When he succeeded, he used to dress out in all the folly of the newest fashion. This man, finding his (Thistlewood's) mind strong on the sufferings of his country, advised him to various plans of destroying the Ministers and others. He first proposed to him to blow up the House of Commons, but he (Thistlewood) refused, being unwilling to punish the innocent with the guilty. He afterwards suggested that the fete given by the Spanish Ambassador would be a good opportunity of destroying the Ministers; but he could not consent to this, as he knew there were ladies to be there. The same feeling was not evinced at Manchester, where women and children were massacred by troops, set on by the agents of government. This

Edwards, though frequently complaining of poverty, yet had money to purchase those arms and ammunition which were seen on the table, and which he had paid for. He had made hand-grenades, and often advised him to throw them into the carriages of the ministers in the streets. Why, he now asked, was not this man produced? Why was he not called upon to give evidence? He attributed no pure motives to the law-officers for not having called him; for, if he had been called, he would have shewn what the nature of the case was. He next proceeded to speak of the motives which had actuated himself and others; and said, that the immorality of assassination had been talked of. That might be true in some cases, but Brutus and Cassius were extolled to the skies for the murder of one tyrant; and why—Here the prisoner was interrupted by

The Lord Chief Justice ABBOT, who said,—Prisoner, as long as your observations have been directed towards us, we heard you without interruption; but we cannot allow a person even in your situation to attempt to justify assassination.

Thistlewood resumed. He said he had only a few words more, and then he would conclude. He then resumed his attack on his Majesty's Ministers, and maintained, that where men set themselves above the laws, insurrection was a duty. [He was again interrupted by the Court, and told of the extreme impropriety and little use to him of this mode of address.] He went on, and again complained of what he called the unfairness of his trial. His object was to free his country, which, he regretted, was still a land of despots. In conclusion, he declared his mangled body would, he knew, soon be consigned to its native soil; but he was sorry that it should be a soil for slaves, cowards, and despots. He would con-

sider himself as murdered, if executed on the verdict given against him. He did not seek pity, but he demanded justice. He had not had a fair trial, and protested against judgment being passed upon him.

In the beginning of this address, as we noticed before, the prisoner spoke in a feeble accent, but before he concluded, his voice seemed strengthened, and he spoke with firmness, and some degree of energy. On concluding his address, he leaned against the side of the bar, and seemed more like an indifferent spectator of, than a prominent character in, the awful scene which ensued.

Davidson, Brunt, and Ings, made addresses nearly similar to their former ones, following the example of Thistlewood, in complaining of the injustice of their trial.—Brunt said, he cared not for his life, he valued it as little as any man on the terrestrial globe, when in liberty's cause; but he wished for a fair trial. He wished to be justly convicted if he was guilty, but he had not had a fair trial. That sword of justice, and those tablets (pointing to the sword which is usually placed over the Lord Mayor's chair on the Bench, and to inscriptions of texts from Scripture against false swearing), these were nothing but a mockery, if justice were denied to him. He had an antipathy against the enemies of his country, an esteem for an honest man, a feeling for his fellow-countrymen. He had never conspired to depose his Majesty, or to levy war against him, as he had been charged: but if resisting the civil power was treason, then he confessed he was guilty. He was no traitor to his country—he was no traitor to his King, but a loyal and dutiful subject, who had never suffered his Sovereign to be abused when he was present; but he was an enemy to a borough-mongering faction, which equally enslaved both the King and the people. When he

could earn 3*l.* or 4*l.* a-week, he never meddled with politics; but when those earnings were reduced to 10*s.* he began to inquire the cause. He thought nothing too bad for men who had caused the dreadful outrage at Manchester. He would die a martyr in liberty's cause, for the good of his country—but he was no traitor, and none but a traitor and a villain could accuse him of being one. Let them brand him with other crimes if they pleased; let them say he hated Lord Castlereagh and Lord Sidmouth, if they wished, and that he would have attacked them; but let it not be said that he was a traitor. In joining in the conspiracy, he had no private enmity or revenge to gratify against any man; but he thought it for the public good, and would have gone through with it. He would have risked his life, and the Court would not then have had him before it. If it had fallen to his lot to kill Lord Castlereagh or Lord Sidmouth, he would have done it, and would have resisted the police-officers to the utmost of his power; but he would not have resisted the soldiers, because they had sworn allegiance to their Sovereign; but, for the others, he would have opposed them while his arm had nerve; but all that would not amount to high treason. In conclusion, he said, "I am going out of the world soon, and I don't care how soon; but I do not wish to leave it with the imputation of high treason. I was incensed at the conduct I saw pursued, and I blame the circular of Lord Sidmouth as the cause of a great deal of what afterwards happened. If a man murders my brother I would murder him; for what does the Scripture say?—'An eye for an eye, and a tooth for a tooth.' I say again, you may try me, and murder me if you will; you may hang and draw me, and quarter me; but let me have justice, that's all."

• Brunt then made many charges

against Adams and his assistant Hale, whom he represented as having injured and cheated him in various ways. He concluded, "I wish to state what may be useful to myself or to my fellow-prisoners. Edwards went about supplying money, and buying swords, pistols, and other things. I declare, before that awful Being, before whose Tribunal I may soon appear, that this is true. He had the money from the government; for if not, he could not have so much money. If I die, I shall die not an unworthy descendant of the Ancient Britons, and I would rather die a thousand deaths than betray my fellow-men."

The prisoner delivered the last part of his speech with great energy, striking his clenched fist on the board before him.

Davidson, who was a negro, made rather a long speech; he commenced by observing, that through the whole of his life it had been his endeavour to earn his bread for himself and family with honesty. He had a young and numerous family wholly dependent upon him for support. He most solemnly protested his innocence of the crime laid to his charge, and expressed his willingness to lay down his life if such treasonable designs should be satisfactorily proved against him. He would not stoop to beg his life, for he bore on his memory the proud recollection, that on fifteen several occasions he had ventured it for his King and country. He did not pretend to deny that he was in Cato-street at the time the officers came, but he had not the slightest notion of the wicked designs of the people who had been apprehended. He had been induced to go to Cato-street through the instigation of a man of the name of James Goldworthy, whom he had known previously, and who had promised to give him work. In the course of his address, he quoted several passages from Scripture, and once

from Pope, in order to shew that he had always had the fear of God before his eyes, and that he was not of that ignorant and illiterate class of beings which he was supposed to be. He earnestly entreated the Court and Jury not to be influenced in their decision by the unfortunate colour of his skin; he was indeed a man of colour, but was neither devoid of a human understanding nor human feelings. He had formerly followed the trade of a cabinet-maker, but had lately lived at Walworth, and had been a teacher at a Sunday school. His father was an Englishman, and his grandfather a Scotchman, and he had therefore some claim to the privileges of an Englishman. He hoped the Jury would not consider him so base a wretch as to be capable of forming so detestable a plot for the assassination of his Majesty's Ministers.

On the 9th day, after the trial of these five principal offenders, Richard Bradburn, John Shaw Strange, James Gilchrist, Charles Cooper, and John Harrison, were put to the bar.

Mr WALFORD wished to draw the attention of the Court to the five unfortunate men at the bar. The fate of their fellow-prisoners had acted as a warning to them, and they were now most anxious to throw themselves upon the mercy of the Court. They pleaded for mercy, and hoped they might not plead in vain. By pursuing this course, it had been considered that the interests of the prisoners would be best consulted.

Mr BRODERICK, as counsel also for the prisoners, begged to add, that he fully concurred in, and approved of, this application to the Court. The prisoners were desirous of pleading guilty, considering, most properly, that it was the only reparation they could make to the outraged laws of their country. They confessed that they deserved the heaviest punishment, but en-

tertained, in the depth of their contrition, a faint hope, that, consistently with justice, the arm of mercy might be extended to them.

Mr Baron GARROW.—Prisoners at the bar,—The two learned counsel who have addressed the Court in your behalf have paid the best attention to your cases; and they have stated, that you desire now to withdraw your pleas of Not Guilty, and to plead Guilty. I must be persuaded that you adopt this course as your own act, and exercising your own judgment with a knowledge of the consequences which must follow this step. There is no engagement entered into with you, but your counsel seek that you may submit yourselves to the mercy of the Court. If you desire that that plea should be recorded, that will be done accordingly.

Mr SHELTON.—John Harrison, are you desirous of withdrawing your plea of not guilty?

Prisoner.—I am.

Mr SHELTON.—Are you guilty or not guilty?

Prisoner.—Guilty.

The same course was pursued with respect to the other prisoners, Richard Bradburn, John Shaw Strange, James Gilchrist, and Charles Cooper. They all retracted their former pleas, and pleaded "*Guilty*." They were then all taken down from the dock, and placed in their different cells.

Mr Baron GARROW thanked the Jury for their perseverance and attention upon this and the former trials, and finally dismissed them.

James Gilchrist was much affected, and some time elapsed before he could speak. He said—"My Lords, what I say, I shall say and think as in the presence of my God. I knew nothing of the business until four o'clock on the day on which it took place. I then had not tasted a morsel of food the whole day. [Here the prisoner burst into tears.] I then went to

a place where a person appointed to meet me at six o'clock, where I saw four or five men, not one of whom I knew, except Cooper; of him I borrowed a halfpenny, to buy a bit of bread. I appeal to God, who now hears me, (casting up his eyes) and knows that this is true. I went into the room at Cato-street, where I found a number of men eating bread and cheese, which they cut with a sword. I cut some for myself. Seeing so many men and arms, I was anxious to get away, but Adams stopped me, and brandishing a sword, said, 'If any man attempts to go from here, I will run him through.' An officer then came in, and I surrendered without opposition. This was all I knew of the business, and yet I stand here convicted of high treason. I have served my King and country faithfully for twelve years, and this is my recompense, this is my recompense, O God!" [Here the prisoner again burst into tears, and could proceed no further.]

Sentence of death was then solemnly pronounced by the Judge upon all the prisoners. Thistlewood, Inge, Brunt, Davidson, and Tidd, suffered the sentence of the law. The rest had their punishment mitigated to transportation, with the exception of Gilchrist, who received a pardon.

#### HUNT, AND NINE OTHERS, FOR THEIR CONCERN IN THE PROCEEDINGS AT MANCHESTER.\*

THE indictment charged the defendants, Henry Hunt, John Knight, Jo-

seph Johnson, John T. Barton, Samuel Bamford, Joseph Heely, James Moorhouse, Robert Jones, George Swift, and Robert Wilde, with having, on the 1st of July 1819, and at divers other times, conspired together to call great public meetings of the people, and thereby to excite terror in the minds of his Majesty's peaceable subjects; and that, in furtherance of their designs, they had, on the 16th of August last, at Manchester, illegally, riotously, and tumultuously, assembled a large body of people, to the number of 60,000 and upwards, with flags, banners, &c. There were other counts, charging the defendants with a riot.

MR SCARLETT opened the case by stating to the Jury the grounds of the charge, and the facts which he was prepared to prove. With respect to public meetings in general, it was requisite for him to say a few words in the outset, as to his conception of what constituted a legal assembly in this country. It was undoubtedly the privilege of the people of England, stating the proposition in a broad and unqualified manner, when they suffered any grievance, to assemble at a public meeting, and to pursue a peaceful mode of address. But the meeting in question was not of that description; it was, of a nature unknown to the constitution. In former times it was customary for counties, towns, districts, or, particular classes of individuals, united by one common interest, in the pursuit of one common object, to meet together. Thus, for instance, where a particular trade was affected

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\* In consequence of the extraordinary length of the evidence on this interesting trial, which would have occupied nearly a third of our volume, we are obliged to confine ourselves to copious extracts from the opposite pleadings of Mr Scarlett and Mr Hunt, and the excellent summing up of Mr Justice Bayley. In the last trial, the interest rested chiefly in the simple evidence; in the present, the great interest resides in the arguments and discussions arising out of it. By this consideration our selection has been guided.



by a particular law, the parties interested met to petition for its repeal. If a particular class of persons were oppressed by any grievance, they also assembled together to petition for its removal. If a Lord-Lieutenant, or the High-Sheriff of a county, was informed that the freeholders had to complain of something that operated against their interests, the practice of the constitution enabled him to call a meeting for the purpose of petitioning either the throne or the parliament. But he never had heard it stated by any lawyer, and he trusted he should never hear it decided, that it was a right, sanctioned either by the law or constitution of this land, for any person who pleased to call all the people of England together in one place, there to discuss political measures, and to lay down particular modes by which they might obtain redress. He would tell them why such a proceeding could not be legal. No man could deny that the greatest physical force of every community consisted in the mass of the people: and those who looked for the most extended reform admitted, that all power and all right were derived from the meetings of the people at large. Therefore it was clear that the people, when they met to frame the ground-work of a constitution, went back to the origin of society, and annihilated that state of things which had previously existed. Suppose all ranks of people to assemble in one vast plain, for the purpose of altering an existing system, it must, in such a case, be conceded, that all the constitutional functions, which they had previously bestowed on their public functionaries, must sink into the original mass. Let it be imagined that the bulk of the population met together to discuss public affairs, and to take into their own consideration such measures as they might deem proper for the alteration of the

existing order of things, it was evident, as all power and right were derived from the people, that they would in that case resume their original functions, and the government must be for the time dissolved. Hence it followed, beyond all controversy, that public meetings of the people, without any legal foundation, whether they assembled from their own private will, or under the direction of some demagogue, who for a time possessed some influence over their minds, for the purpose of carrying into effect, by such means and in such manner, as they might think proper, an alteration in the constitution of the country, could not be a lawful assembly, as the constitution at present existed.

Mr Scarlett now, after a short mention of the different individuals accused, proceeded to detail the facts which he was ready to bring forward in evidence.

On the 8th of August Mr Hunt arrived at a place called Bullock-smithy, about nine miles from Manchester, and three miles from Stockport. He was here joined by Moorhouse, who took him to Stockport, and on the morning of the 9th they were joined by Johnson. The party made a progress towards Manchester, accompanied by Sir C. Wolseley and others. The notice of a meeting at Manchester had, it seemed, attracted the attention of the magistrates, and the meeting was prohibited by them. By their orders placards were stuck up in the town, stating that the people were called upon to do a thing highly illegal. Mr Hunt, it appeared, was extremely angry at this prohibition, or rather at the conduct of those who were to have met together, in yielding to it; and they would find, that on the evening of the 9th, he was haranguing the people, and speaking of the magistrates who prohibited the meeting, by the appella-

tion of Number 9, in allusion to nine tailors. He used terms of extreme reproach and contumely in mentioning these gentlemen—declared that he conceived the object of the people to be legal—stated his opinion that they were acting in a weak manner to yield to the suggestions of the magistrates, and invited them to meet him on the 16th of August. The obscure situation of most of the people residing at Manchester—their habits of labour, and the moderateness of their circumstances—had induced them to pay some respect to the magistracy, who constituted the sole authority there, as there was no corporation, or any body of that description. Their conduct, when the prohibition was issued, afforded a sort of security that they were rather disposed to take the advice and obey the authority of the local magistrates; but when Mr Hunt came down to Manchester, (he having been occupied in assembling mobs at other places,) and said that the people behaved pusillanimously, and that the time was come for acting, he induced those persons, in the face of the constituted authorities, to determine on a meeting. He gave notice that a meeting would be held on the 16th of August—not a meeting of the inhabitants of the town of Manchester, but of the population of the surrounding country. Having given this notice, that the meeting of the 9th was adjourned to the 16th of August, he proceeded to the residence of Johnson, near the town of Manchester, which he understood to be called Smedley-cottage. Whilst he was there, he would shew the Jury that Mr Hunt received a visit from Knight, another of the defendants. As Mr Hunt had acquired a sort of popularity in the town of Manchester, which it was not difficult for a man to do who headed a mob, and spoke the language of sedition, he proceeded to mature the

plan of the meeting. The magistrates now received information on which it was very difficult to act. They were informed that movements had taken place among the people composing the immense population of the neighbourhood of Manchester, in the dead hour of the night, five, six, and even ten miles off, which were of a nature quite unprecedented. The magistrates thought it necessary to take measures for the preservation of the peace: they felt that the calling of a meeting by a person who had no connexion with the town, who had no property in or about it, was likely to lead to serious mischief. They determined to ward off the evil; and the prudence of their determination appeared evident, when they were informed that on the 15th of August, in the night time, a number of persons assembled at a place called Whitemoss, and had been observed going through the evolutions of military discipline, in such a manner, that no one who had seen soldiers performing their exercise could entertain a doubt that the persons thus employed had some ulterior object in training at such an hour. The two persons who gave the information drew near to these individuals—so near that they were discovered and pursued; they were followed by bodies of men detached from the main body, and, when overtaken, were beaten most unmercifully. One of them of the name of Murray was discovered to be a special constable: he was obliged, in order to save his life, to fall on his knees, and abjure his allegiance. This circumstance would give the Jury some idea of what the object of these people was.

On the morning of the 15th August circumstances took place which threw some light upon those motions which were observed in various parts of Manchester and its vicinity. The magistrates of Lancashire having received

an intimation that a gentleman from London had been preaching his dissatisfaction to the populace on account of the prohibition of the meeting of the 9th, and that he had declared his intention to hold a meeting on the 16th, deemed it prudent to take those precautions which were necessary when vast assemblies of the people were assembled together for any purpose whatsoever. It was now his duty to open a scene, which, he would venture to say, in the whole history of public meetings in this country, had no equal.

On the morning of the 16th of August, it appeared that bodies were seen advancing towards Manchester from various places, some of them at the distance of ten or twelve miles from that town. They were provided with banners, the inscriptions on which he would by-and-by describe to them, and they marched upon Manchester with all the regularity of an army. From Rochdale, from Lees, from Middleton, from Oldham, from Stockport, and from many other places, which would be named in evidence, parties might be seen marching towards Manchester. Indeed from every point of the compass persons might be observed arriving there, manifesting all the discipline of soldiers, and differing from them only in this, that they had not uniforms and arms. At Middleton, Mr Bamford was seen placing in marching order a body of 2000 men; they were without uniforms, but he displayed talent sufficient to put them through their evolutions. He addressed them, and gave to each of them pieces of laurel leaf that they might distinguish one another. Two thousand more were seen marching from Rochdale. It would also be found that Mr Healey, another defendant, advanced from Oldham with a body of men. He would not say that this defendant commanded that body, but he would prove ex-

pressions of a very extraordinary nature uttered by him, when he was, as it were, singing in triumph, in anticipation of the glories of that day. The town of Manchester was, in fact, surrounded by an immense force, who appeared as if they were going to invade it. Every road which approached the town was covered with parties marching in a military manner.

This was going on, he believed, up to 11 o'clock in the day; and amongst those who were advancing to the town, some of the individuals who had been training at Whitemoss, were recognized. It was necessary that they should pass the house of Murray the constable, who had been extremely ill, and unable to remove from his bed, in consequence of the bruises he had received. The party stopped opposite his house and huzzaed, and gave evident tokens that they recollected the proceedings of the former day. They hailed him either to confirm him in the abjuration of the preceding day, or to intimate to him, that if he gave information he might expect their vengeance. At 11 o'clock Mr Hunt and his party were preparing to enter the town from the residence of Johnson. He came in an open barouche, and he, Johnson, and Moorhouse, were seen to approach the place where the meeting was assembled. Mr Hunt was attended by a triumphant band; the Middleton and Rochdale force had united—they became his guards—and thus surrounded, he advanced into the town of Manchester. The first place, he was told, which they approached, was the house of Murray the constable. When they came opposite to it, Mr Hunt took the command of the body; he stood up in the barouche, and commanded them to halt. The same expression of feeling was then shewn as had previously been manifested by the party which had gone before him, and much hooting and

hissing took place. Mr Hunt then made his way to Deansgate; and, on passing the Star Inn, where the magistrates were assembled on one of the most arduous duties they could possibly be employed in, he ordered his corps to stop again, and the magistrates were assailed with groaning, hooting, and hissing—a pretty good exemplification of the manner in which they would have been treated had he been in authority. He next passed the place where the head-quarters of the constables were held, whom they also treated in the same manner. Mr Hunt ultimately proceeded in triumph to the place of meeting, which had been previously visited by the other defendants.

While the forces which he had described were assembling, Saxton, Swift, Knight, and all the remaining defendants, were employed in preparing hustings for Mr Hunt. The magistrates determined that a line of constables should be formed from the house in which they assembled to the cart on which the hustings were formed; and it would be proved, that when those parties found that the constables approached so near to them, they caused the hustings to be removed fifteen yards farther back; and the mob (he did not mean offence by using the word) formed in great strength around the waggon, in order to protect it. Speeches were made by two or three of those whom he had mentioned, particularly by Jones, who said it was the direction of the committee, (so that there was, it seemed, a committee,) that they should take close order till Mr Hunt came. They were then to open and let him pass, after which they were to close immediately; and they were to take particular care not to let any but friends enter, as their enemies were abroad. The Jury would also find, that most of the parties whom they approached were provided with large sticks, which they should

dered and brandished as they marched along. They were all provided with ensigns and banners, and adorned either six or four a-breast, with military step, and presenting the appearance of troops upon their march. When they arrived at St Peter's, the word of command was given, and they wheeled off with perfect regularity, and took the ground which their commander directed them to occupy. One of them, Healey, was particularly active on this occasion; and indeed everything connected with the entrance of those large bodies of men bore the appearance of an established and cultivated habit of military discipline.

Next came Mr Hunt with the largest band, consisting of more than 4000 men. He ascended the hustings, and his partisans took their places around, displaying their flags and banners. On some of these flags they would find described the words, "Equal representation or death." What could be the object of such a sentiment as this? "Equal representation or death" was by no means a vague expression; and he thought the mob, with all respect for those who had a better opinion of their understanding, had better attend to their different avocations, instead of discussing political opinions, for which their education did not always qualify them. Were the mass of the people to be told, by those who urged them on, that equal representation was to be purchased even at the expence of their head? Were doctrines to be disseminated which no man durst utter with his lips, though he might display them on his banner? Were they to be taught to consider equal representation as the *sine qua non* of their existence, and that they should rather perish than not procure it? Another banner bore the inscription of "No Corn Laws." He came not to that court to discuss whether the law on the subject of corn were good or otherwise; but would

it not be a most dangerous thing to say to a mob of 60,000 persons, for the purpose of getting rid of such a measure, particularly when the minds of the people were irritated and inflamed—would it not, he asked, be an appeal of the most inflammatory nature to say to them, “We will have no Corn Laws; we will force the Legislature to do as we please?” Next came the inscription of “Annual Parliaments:” there were men in this kingdom, and no doubt respectable and honourable men, who thought annual parliaments would be very useful; but would any of those individuals say, that such a proposition was to be carried by violence, as the *sine qua non* of their existence? Let the people meet to petition for reform—let them submit to parliament what they thought expedient for the public good, and no man could complain. But was it the business of a public meeting to dictate to parliament, and to declare that they would effect a certain object, or they would have nothing? The next inscription was, “Universal Suffrage, and Election by Ballot;” these two points, with annual parliaments, were the three pretences advanced for calling this assembly. Seeing that Mr Hunt, (whom he had heard defend himself on other occasions, who had more talent than the mere itinerant orators who travelled about from place to place,) was at the head of that meeting, he felt considerable surprise that he did not perceive that those three terms taken together, meant nothing but the subversion of the constitution; but as long as these questions were *sub judice*, what right had any man to say, “We will, in spite of all opposition, have these three things?” To do so was illegal; and it was most unfit that, on the subject of public grievances, the mob should be suffered to dictate to the legislature. Let them meet and petition; let the weavers, and

shoemakers, and other artisans in this kingdom, who were destined to get their bread by the labour of their hands, inform the legislature of the best course to be pursued with respect to public affairs, if they had more wisdom than those by whom they were now conducted. The law enabled them to do this; but let not demagogues state to them that those three points were the only things which could be got to serve them; they ought not to do so, for this reason—because, when the mob got hold of a grievance, they were apt to consider it as the great source of all their evils, and they were at length led to believe that the removal of that alone would operate as an effectual panacea to cure the whole of their complaints.

The ridiculous folly of a mob had been exemplified most humorously by that eminent painter, Mr Hogarth. It was found necessary, many years ago, in order to prevent a confusion in the reckoning of time, to knock eleven days out of the calendar, and it was supposed by ignorant persons that the legislature had actually deprived them of eleven days of their existence. This ridiculous idea was finely exposed in Mr Hogarth’s picture, where the mob were painted throwing up their hats, and crying out, “Give us back our eleven days.” Thus it was at the present time, that many individuals, who could not distinguish words from things, were making an outcry for that of which they could not well explain the nature. Another inscription was, “Let us die like men, and not be sold like slaves.” Who, he should be glad to know, had been selling the people of Oldham, of Rochdale, of Middleton, and of the other places, the inhabitants of which went to Manchester that day? He never heard of any such sale; but some person, who did not choose to speak these words thought fit to place it on his banner. The pole to which one of

the banners was affixed, was surmounted by a pike-head, painted red, as if to shew the sanguinary feelings of those who bore it. Another flag had painted on it a dagger. God forbid the time should ever come when they should see any man who had the courage to declare to the people of this country, that the dagger was the instrument by which lost rights were to be recovered. But he was afraid that though no man had the courage or audacity to preach such a doctrine to a mob, yet that there were persons who had insinuated that the dagger was a fit weapon to be used; and he would make no further comment on the consequences which such a doctrine had led to. A dagger was not the weapon which Englishmen were wont to use, and he trusted that those who said our rights were lost, and wished to regain them, would not declare to the people that they should arm themselves with such an instrument; because he was sure, the moment the people imbibed such a feeling, they might give up all idea of a free constitution, of morality, of order, of all that was dear to them. He had thus described the form in which the people assembled, and the progress of the meeting. What was that meeting? Was it a meeting of the people of Manchester, or of the county of Lancaster? No. Was it a meeting of a particular trade, to procure the repeal of some obnoxious bills? No. Who assembled at it, and who presided over it? Were the former inhabitants of Manchester? and was the latter any person interested in the welfare of the town, or intimately connected with the county? No. These were questions, however, which must be left to the Jury to decide. This, at all events, he knew, that the effect of the meeting, whatever might have been the design of those who called it, was to strike terror into the minds of his Ma-

jesty's subjects. Would any man tell him that the respectable inhabitants of Manchester must not have felt great alarm when they saw the shoemakers, the weavers, the journeymen of all descriptions, advancing towards that town as if to invade it? The law had determined that any meeting of people, even for a legal object, in such array and such numbers, was an unlawful meeting. But did it require law-books to tell them that? Why had they laws to prevent the rude hand of power from destroying and devastating property? But if they were to be told that a mob might be suffered to advance from every part of a county, to the terror of the peaceable inhabitants, their laws would be of little use, and it would be better to return to a state of nature—to sink into the original mass, and declare that force must be repelled by force. Let individuals look to the consequence of such a system. If meetings of this description were to be tolerated, it would be impossible to sustain the constitution of the country, except by means of such an increase of the military force as no good man, as no man who loved the constitution, wished to see established in a time of peace. The common civil power could not do any thing against such numbers; for what could sixty constables effect against as many thousand individuals?

The magistrates of Manchester finding the meeting thus drawing together, perceiving parties coming from different quarters, and not knowing to what distance the ramifications of the system might have been extended—perhaps to Birmingham, or more distant places; seeing also that the assembly was headed by a man who had no local connexion with the town, thought it necessary to interpose. They proceeded to do so, particularly as it was deposed by various persons in the town, that they felt considerable alarm.

They in consequence issued warrants, and the defendants were taken into custody. With what passed afterwards he had nothing to do—his task closed here.

After the evidence for the prosecution had been closed, the defendants rose and stated their case. Mr HUNT began with complaints of indisposition, which, however, he hoped would not prevent him from doing justice to his cause. When they heard the opening speech of the learned Counsel, he was sure the Jury thought they were about to try a very different question from that which was brought before them. He was quite convinced they thought they were about to try some monster in human form, who had been violating every principle of honour, honesty, and integrity, and at the same time attempting to overturn the sacred institutions of his country.

He and the other defendants were charged not only with having endeavoured to overturn the throne, but with attempting to destroy the religion of the country itself. But was there, he asked, any part of the charge true? Had the prosecutors dared to bring forward a single witness, to prove that any one of the defendants had, on any one occasion during their whole lives, said aught against the power of the throne, or the sacred dignity of our religion? There had been indeed an attempt once or twice to itch out of a witness a declaration that a person named Carlile was connected with the defendants. The learned Counsel well knew what effect it would have on the public mind, if he could connect the defendants with a man who had stood before the bar of public justice; and he laboured to do so. That man had received the reward of his temerity, and therefore it would be improper for him to make any observations on his case. But, knowing the effect it would have, that individual's name was intro-

duced. In this respect the learned Counsel followed the example of the public press, by striving to connect the reformers, and him amongst them, with that man; for he was here, not wishing by evidence, or by any thing he should address to the Jury, to disavow in the slightest degree the appellation of reformer.

He never professed a doctrine, private or public, which he was not ready to avow in the face of his God and of his country. He professed to be a reformer, not a leveller. He professed to be a lover of liberty, not of licentiousness. He well knew the difference between them. Sweet, lovely liberty, was as pure and sacred as truth itself; while licentiousness was as dreadful and as appalling as the basest falsehood. There was as much difference between liberty and licentiousness as there was between the lovely truth and those disgraceful, black, and premeditated falsehoods, that had been issued against him. Who would not have thought, when they heard the opening speech of the learned Counsel—who that had read that speech, (and it had been read with all the daggers by which it was surrounded, by a vast number of persons in this county, even yet while they were proceeding with his trial), who, he asked, having ever read it, would not have thought that they had got some unheard-of monster to appear before them, some low-bred villain, some despicable wretch, that had led a life of rapine and murder? Would it not be supposed that the jury were called on to try men who had endeavoured to stimulate their fellow-creatures to acts of murder and desperation? What was the truth? Take even the very worst of the evidence for the prosecution, with the exception of one man, (Mr Hulton) and that man bearing a high character, a high situation in life, being a magistrate of the county of Lancaster—with the ex-

ception of that man, what did the evidence prove? Except that individual, who had dared on oath to utter even a breath of slander, or to state any circumstance that implicated the defendants, or any portion of the whole of that great meeting, with the smallest act of violence?

He was charged in one instance with attending a public meeting (a great crime truly), accompanied with seditious emblems and banners, and with one flag bearing a bloody dagger. Where was the dagger? Where had been the dagger? Nowhere but in the disordered, the perverted imagination of the man who gave utterance to the statement. The learned Counsel smiled; but, like the story of the boy and the frogs, though it might be fun to the learned Counsel, it was intended for death to him. Where was the flag? Shawcross, when examined yesterday, said, that the flags, the banners, the revolutionary ensigns, the insignia of war, were in York. They were, it seemed, all brought here, but none of them were produced. Where were the thousands of bludgeons which were shouldered on this occasion? Mr Jonathan Andrew's bludgeons; where were all these? Nowhere but in the mind of the learned Counsel. Where were all the brickbats, where were all the stones, where were all the bludgeons, that were hurled at the yeomanry? Mr Hulton's bricks, bludgeons, and stones, where were all these? The learned Counsel knew well, from the way in which that testimony was given, that there was no such thing. The learned Counsel said, he knew Mr Hulton much better than he (Mr Hunt) did. The learned Counsel did, indeed, know him much better, and he gave him joy of his acquaintance. That man, placed in the box, gave a testimony of three hours' examination; and, forsooth, although he was three or four hundred yards from

the hustings, he was the only person who had ever dared to swear that brickbats, bludgeons, or stones, were made use of; and that, when the yeomanry came on the ground, they were received with hissings, hootings, and groanings, the flourishing of bludgeons; and that a part of the people faced about, as if to attack the cavalry. How came it that the learned Counsel did not put some of Mr Hulton's brother magistrates in the box, to confirm his evidence? Mr Hulton swore that nine of his brother magistrates were present when he acted. Was there no police-officer, who was in the habit of swearing hundreds of oaths every year, who would come forward and support his statement? Could not one of them be found to prop up his evidence? No, not one solitary instance.

This was an indictment for a conspiracy, a very fashionable mode—and a very convenient mode, of proceeding now-a-days; because, when a man, or any body of men, were charged with a conspiracy, they had no means on earth of knowing the evidence that would be brought against them. Every action of a man's life was liable to be ripped up and brought before the jury. Every act of his life that could in any possible degree be connected with the accusation, might be adduced against him to shew the *animus*—the mind—to prove his intention, in any way whatsoever, as connected with the case. Had the prosecutors on this occasion given any proof of bad intention? None whatsoever. He was not prepared with many witnesses to disprove some of the facts alleged against him, and which he would endeavour to overthrow; but it so happened, that he had a servant with him, a lad who had been 7 years in his service, a simple country youth, and him he would put into the box; he was not a knave, but a simple country youth, and one who had attended every public meeting at which he (Mr



Hunt) was present for the last seven years. He would call that witness to state the circumstances of his journey to Manchester. When he got to Bullock-smithy, he, for the first time, learned that the meeting of the 9th was abandoned; he saw from the newspapers that the meeting was thought illegal—that the parties who called it had laid aside all intention of proceeding; he said, “the parties who called that meeting,” for it was not called by Mr Hunt, as had been asserted. It was convened by a regular requisition, directed, as he would prove, to the boroughreeve and constables of Manchester. But when the proper authorities stated that the object was not legal, the project was given up; a public advertisement was afterwards issued, which was signed by from 700 to 1700 inhabitants, housekeepers of Manchester. Though these individuals signed a requisition, to which each of them put his name, his number, his address, and almost his occupation, in which they called upon the boroughreeve to convene a public meeting, to enable the people of Manchester to assemble—for what purpose? for the purpose of taking into consideration the propriety of adopting the most legal and effectual means of obtaining a reform in the Commons House of Parliament—the boroughreeve and constables, in the exercise of their discretion, thought proper to refuse their compliance to the request. The people, knowing that it was perfectly legal to meet, knowing that it was not necessary for them in the outset to apply to the civil authorities, having first paid this compliment to the boroughreeve and constables, and they having refused their assent, determined to proceed. Four hundred of them, all housekeepers, put their names and residences to an advertisement calling a public meeting, for the purpose which he had just stated.

Those who got up that meeting, as he would prove, agreed to ask him to attend for the purpose of presiding as Chairman. For what reason? Because they not only knew that he had been at Manchester before, but that he had presided at a meeting there which had gone off with the utmost peace and quietness. They also knew that he had presided at other public meetings, and the witnesses had told them that at all the meetings he had attended, (and he would frankly say he never refused to attend when he was called on by his countrymen,) regularity and order had ever prevailed.

He would give to his countrymen what was due to them; he would give to them the peaceable, honest, honourable character to which they were entitled as freeborn Britons, having love and veneration for their country—having love and veneration for its authorities—having love and veneration for its laws; and, with the exception of some three or four persons who had dared to speak improperly, never had he seen any number of men met together who wished any evil to the constitution, to the great authorities of the country, or who desired to remedy their supposed or real grievances by any other than by legitimate means. What could be more proper, than to consider the most legal and effectual means of obtaining a reform of Parliament? He had been a teacher of that doctrine. He had, as far as had been in his power, taught it. He lost no opportunity, as far as his means extended, of teaching—what? To go burn down mills—to attack butchers and bakers—to wreak vengeance on those through whom the people suffered, or imagined they suffered evils? There was no proof of the sort. All the witnesses, except one person, agreed on this, that at the meeting on the 16th of August, he had made use

of this expression—"If any one makes a noise, or commits a breach of the peace, put him down—and keep him down."

What did Mr Roger Entwistle say, who was one of Mr Scarlett's most famous witnesses? He deposed that some military appeared in Dickinson-street, (where, it was proved, it was impossible for him, who was on the hustings, to see them,) and that Hunt said, pointing to the military, "There are your enemies; if they molest you, put them down, and when you have got them down, keep them down;" but he would prove that the expression was not used to any portion of the constables, or of the military, but to some boys, or a drunken fellow, or some person of that kind, who was creating a disturbance, and speaking of them; he called out to the people to put them down, and keep them quiet. This he would be able distinctly to show. What was next alleged against him? That the people marched up in battle array. The learned Counsel told them, in his opening speech, that instead of approaching in a peaceable manner, as a deliberative assembly would do, the people marched up with their sticks shouldered; but what did they do when they got to the hustings—what became of their wooden muskets? He asked the witnesses whether the people used them against their heads? whether they had been molested in any way? But they all answered, No. Many very respectable inhabitants of Manchester declared that they were alarmed. Mr Green, Mr Francis Phillips, Mr Hardman, and other individuals, told the Jury that the marching up of those men alarmed them greatly—although not one of them was insulted or assaulted, or troubled even with a violent expression. The multitude consisted of 50 or 60,000 persons, and yet only five cases of in-

sult were spoken to, and some of these occurred at a distance from the town. The meeting was sworn to consist of 50, 60, or even 70,000 persons, so that there was not one individual in 10,000 that had even offered a personal insult, or used an improper expression. If any thing could convey to their minds an idea of the peaceable, the orderly, the determined disposition of the people to be quiet, it was this very important fact, which came out from all the witnesses, that no violence or insult was offered to any one. Where was all the stamping of cudgels on the ground, of which they had heard so much, both within and without the doors of Parliament? Where was the proof that insult was offered to every respectable man, and rudeness to every modest female? There was no such thing. One of the people said it seemed that they would make a Moscow of Manchester. This expression was used five miles from the town, and it made no impression on the person to whom it was addressed. That person had a wife and children in Manchester; but he thought the expression a foolish one, not worth attending to, and he continued very quietly to follow his occupation. He suffered his helpless wife and children to remain in Manchester without once hastening to their assistance. Did the Jury think that there was a monster in human form, who, if he had believed any such story, would not have flown to Manchester while the people approached with slow pace, and rescued his wife and darling children from such a situation?

• Mr Francis Phillips said, that he by chance rode out in the morning towards Stockport, and that he met a person carrying a thick stick. Eyeing this individual minutely, he shook the stick at him, which constituted insult the second. Did the man offer to use the stick? No: What did he do? He

walked on. This was the statement of the author, who had done more than any man to prejudice the country.

Where was the riot act read? The prosecutors have never brought forward a witness to prove that it had been read. If they had done so, the learned Counsel well knew, that the testimony of that witness would have been kicked out of court. The learned Counsel was perfectly aware that no riot act was read; and when the contrary was asserted, it was a false and scandalous report to prejudice the public mind. Was there a human being but must believe, that if the riot act were read, the learned Counsel would have called some witness to prove it? He would not put into that box any magistrate, but he would put into it such men as were connected with the higher ranks of life—men, equal in rank, equal in character, equal in education, equal in property; indeed, ten-times told superior in property to Mr Hulton. If these men, having the means of judging, not being partisans, not being implicated, either in the calling or the dispersion of the meeting—if these men contradicted what had been averred against him, he could not doubt of a favourable result. If he put a host of witnesses in that box, who had the means of seeing and the means of knowing all that had passed, and if they decidedly contradicted this story of the bludgeons, this story of hooting and hissing, this story of turning about and facing the military—if, instead of a shower of stones and brickbats being hurled at the military, his witnesses proved that not one stone, not one brickbat, not one cudgel was opposed to them; that not one finger was lifted against those troops, when they came to arrest him and his fellow-prisoners; if he proved this, then, but not till then, he would demand of the Jury to dismiss from their minds, if they could—to draw, if it were possi-

ble, a veil over what they had heard—and to forget any impression that might have been made by Mr Hulton's testimony. He declared, as he had said before, that if this were his individual case, if the question were, whether a verdict of guilty or innocent should be given with respect to him—he would not call a single witness, but rest his cause entirely on the contradictions, which appeared in every part of the testimony, and on the almost impossibility of his having done that which had been alleged. He would have mainly relied on the extraordinary circumstance of the learned Counsel's neglecting to call some one of those who were particularly employed on the day so often alluded to; which argued that they could not prove any thing in support of his case. This was, however, a great public question. It was not narrowed to the point whether he should be found guilty or innocent. No: the Jury had to decide, by their verdict, whether henceforth a particle of national liberty should be left in this country. They had, by their verdict, to decide whether, henceforth, any headstrong young man, placed in the situation of a magistrate, might, when he thought proper, call forth a body of military—a drunken infuriated body—and send them out against a well-intentioned meeting of Englishmen, for the purpose of putting them to death. He would also prove that the use of the flags and banners was to direct to their proper division any individuals who, in the course of the day, might have strayed from their party. He would shew to the Court, that the whole object of teaching those people to march, was to prevent them from falling into disorder when going to, or returning from, any meetings; they having been taunted, at former periods, for going in indiscriminate bodies. He saw the object of the learned Counsel's address to the Jury, when he ad-

verted to the inscription of "no corn law." He well knew that they were gentlemen living in the country—that they were landed proprietors—and that, therefore, the mention of the subject was likely to have a considerable effect on their minds. He himself was one of the largest farmers in the country. Though represented as an outcast, and one who had no visible means of support, he had landed property, and was lord of the manor of Glastonbury, in Somersetshire, where the principal part of his property lay. He lived mostly in the country, and, in every place where he resided, he had always the honour of being acquainted with, and was respected by, the clergy of the place. He mentioned this in justice to himself, as his name had been coupled with that of Carlile. Of that man he would say a great deal, if he (Carlile) were not suffering under the sentence of the law. He never approved of the principles which were disseminated by that man; and he now declared, before God and the whole country, that never in the whole course of his life did he hear or read the theological works of Thomas Paine, except at the trial of Carlile, when he was waiting in the Court expecting his action against Dr Stoddart to come on; and Mr Scarlett well knew, that if that trial (Carlile's) had gone off, his would have been called on next; and if he were not present, the defendant would have been acquitted. He also declared, in the face of heaven, that he never saw any of those works in the hands of the reformers. Good God! he exclaimed, was it not enough to brand the reformers with sedition, but also with renouncing belief in their God? (Here Mr Hunt was so much affected as to shed tears.) The learned Counsel had talked of a meeting of all the people of England assembling in one large plain; why, who ever heard of such a thing? who had been mad enough to

propose such an assemblage? It would indeed be a curious thing to see all the men, women, and children of England, assembled in one large plain. He should like to see what a pretty figure the learned Counsel himself would cut amongst so many. He would ask how it happened that the Attorney-General was not here in this most important trial? Was it that the defendant was only a mere country bumpkin, and that any body would do against him? No, but the Attorney-General well knew that he (Mr Hunt) would have put him into the witness-box, and have got from his own mouth that he had been consulted as to the legality of the meeting at Smithfield, and had stated it to be legal. Another link in this chain was, that the crowd stopped before Murray's house, and that they hissed; but was it proved that he had caused the carriage to halt, in order to have hissings and hootings at Murray? No such thing; for one of the witnesses said the carriage was not in sight at the time; and Murray himself said he did not see the carriage.

Mr Justice BAYLEY.—You mistake there; for Murray swore that the people in the carriage looked up.

Mr HUNT continued.—He should be able to show that Murray's memory was bad, on this and some other points. Then as to the shouting at the Star-inn, how was he connected with it? Did it appear that the magistrates were there at the time, or that he (Mr Hunt) had given orders to that effect? Of the Star-inn he had then known nothing, no more than he did the names of all the stars in heaven. But this was only a part of the attempts made in the opening speech to damn his character.—Mr Hunt read part of the letter which was addressed to the people of Lancashire, in the week before the meeting, we believe. In it he told them to come armed with no other arms than those of a self-approving conscience—

to conduct themselves in such a peaceable manner, as to give their enemies no ground for opposition to them—and to do nothing which could in any degree tend to a breach of the peace.

He now came to the evidence of Jonathan Andrew, who said he saw the parties with large sticks, some of them four feet in length, and shouldered like muskets; but this was not spoken to by any of the other witnesses. He, however, would bring witnesses to prove, that, as far as these large sticks went, there was not a word of truth in this evidence. He would conclude by an observation about the locking of hands and the removal of the hustings. The locking of hands, where it did take place, was only done for the purpose of preventing the pressure of the crowd from oversetting the hustings. The hustings had, from the nature of their construction, at a former meeting been broken down, and, by a miracle almost, the people on them were saved from being hurt. The locking of arms was then only made to prevent the recurrence of a similar accident: but he would shew that it had not taken place near that part where the constables were, and that from thence to the magistrate's house there was a free passage, and that several persons had actually gone up and down by it. There was, besides, a place behind the hustings, from which a passage might have been obtained without any difficulty. (Mr Hunt proceeded to describe the peaceable and orderly conduct of the meeting at the time the yeomanry were sent, as he observed, for the purpose of a bait to tempt the people to a breach of the peace.) The yeomanry, he observed, some of them drunk, and absolutely cutting at both sides with their eyes shut, dashed amongst the crowd—among men, women, and children. Some of their horses had tumbled, and they escaped with difficulty from being hurt; others endeavoured to jump over

the heads of those who stood in their way, and all this time continued to attack those near them. At this time, however, there were neither brickbats nor sticks, nor any other weapons thrown, nor was any resistance made. And this was the Army by whom it was feared that the town of Manchester would be destroyed. How were they calculated to destroy it? Where were any dark-lanterns, or any combustibles found? What became of the bundles of sticks and clubs which were said to have been taken from them? Where were the flags, the banners, the caps of liberty, which the reporter from the *New Times* described as revolutionary emblems? Where were the scythes in the shape of pikes, of which so many reports had been circulated? They had heard of caps of liberty; but let them look to the front of their hall, the pride of their county, and they would there see standing conspicuously a cap of liberty. Liberty was the boast of an Englishman, and its emblem was always held dear. It was the boast of every Englishman, that he was free. He therefore respected every thing which bore an emblem of his freedom. It was for freedom he had contended, and he would ever continue to do so even at the risk of his life. He would always impress on his fellow-countrymen the love of that rational liberty which had been the pride and the boast of their forefathers. What was it which the reformers were accused of? What was it they asked for? Not for an equal distribution of property—no, but for an equal participation of equal rights—that was what they claimed; and they founded their claim on that great constitutional principle—that no man should be taxed without his consent. He did not mean to say that each man should have a voice in the choice of a particular tax, but that he should have a voice in the choice of a portion of those by whom

the taxes were to be imposed. This was the opinion of the reformers. They might be wrong ; but, if they were, let them be set right, and let them be fairly convinced that their doctrines were erroneous.

Several days were now employed in examining the evidence for the defendants.

Mr Justice BAYLEY then proceeded to address the Jury, in a speech which lasted for part of two days. He earnestly entreated of them to dismiss entirely from their minds every feeling connected with political or party question, and not to take into consideration what the consequences of their verdict might be, but merely to consider what verdict, according to the evidence, they were bound to give. The present indictment contained a charge of conspiracy ; it contained a charge of unlawful assembly ; it contained a charge of riot. But, on the subject of the charge of riot, he would not propound to them any observations, because he conceived that the consideration of the other charges alone remained for them. The circumstances of the conspiracy, as they were stated in the indictment, were these :—The indictment set forth, “ That the defendants conspired to meet, and to cause and procure other persons to meet, for the purpose of disturbing the public peace, and the common tranquillity of the King and the realm.” This was one count ; and it would be for the Jury to say, whether any conspiracy was made out, so as to authorize them to find a verdict of guilty. The count further charged, that the defendants met together for the purpose of raising and exciting discontent and disaffection in the minds of the subjects of our Lord the King, and also to incite them to contempt and hatred of the government and constitution as by law established. Another count set forth, “ That the defendants

met and assembled, together with divers others, to a very great number, in a threatening and menacing manner, with sticks, and other offensive weapons, and with divers seditious ensigns and flags, on which there were various inflammatory inscriptions and devices, to the great terror of the peaceable subjects of our Lord the King. One of the purposes, therefore, to effect which they were charged with unlawfully assembling, was to excite discontent and disaffection in the minds of his Majesty's subjects ; and 2dly, they were charged with meeting in a menacing manner, and in military array, in order to effect that illegal object. On the subject of unlawful assemblies, he would quote what Mr Serjeant Hawkins, perhaps the best writer on the question, stated as necessarily constituting an unlawful assembly. He said, “ any meeting whatever, of a great number of people, with such circumstances of terror as cannot but endanger the public peace, and raise fears and jealousies among the King's subjects, seems properly to be called an unlawful assembly : where, for instance, those great numbers having some grievance to complain of, met armed together, for the purpose of discussing the best way of ridding themselves of that grievance ; because, under these circumstances, no one can say what may be the event of such a meeting.” Mr Serjeant Hawkins's opinion, then, was, “ that a great number of people, meeting under such circumstances as cannot but endanger the public peace, and raise fears and jealousies among the King's subjects, was an unlawful assembly.” And he adduced, as an exemplification of his opinion, “ persons meeting together armed, in a warlike manner.” That, however, was not essentially necessary to constitute an unlawful assembly. Taking all the circumstances together, if a meeting “ endangered the public

peace," and tended to raise fears and jealousies among his Majesty's subjects," it was an unlawful assembly, although the people did not appear armed. Therefore, one of the questions the Jury would have to decide was, whether the meeting now under consideration consisted of such numbers of people, and was called together under such circumstances, as could not but endanger the public peace? It might be, that, in a very large assembly, there were many persons entirely innocent of any improper object. They might meet for what was a strictly lawful purpose; and yet there might, in that meeting, be many other persons illegally assembled, who might wish to make the innocent parties the instruments in their hands for effecting their unlawful purposes. Now, he had no difficulty in stating, that, in all cases of unlawful assembly, they were to look to the purpose for which the people met, the manner in which they came, and the means which they were using to effect their proposed object. All these were circumstances which the Jury were bound to take into consideration. He had no hesitation in stating to them, that it was not because a meeting was composed of 60,000 persons, or because it was a body containing women and children, that therefore it was an unlawful assembly. That number of persons might meet under such circumstances as were not calculated to raise terrors, fears, or jealousies, in the minds of the people in the neighbourhood. But in an assembly so constituted, and met for a perfectly legal purpose, if any individuals introduced themselves illegally in order to give to that meeting an undue direction, which would produce terror in the minds of his Majesty's subjects, although 59,000 persons out of a meeting of 60,000 were completely innocent, yet there might be 12 or 20 illegally met there, and those

12 or 20 would be liable to be tried on the ground of having illegally assembled.

The learned Judge proceeded to recapitulate the evidence adduced in the course of this interesting trial, briefly commenting on it as he went on. He observed, that a meeting of 60,000 persons, if they all came to a certain point, with a common knowledge of what was to be done, might create terror. With respect to the banners, those only who showed that they were favourable to any motto inscribed on them, by carrying, or immediately marching under them, could be considered as liable to any penalty which the illegal nature of any of their inscriptions might warrant. It was given, he observed, in evidence, that Moorhouse was a religious man, and constantly read the Bible to his family—a fact stated to induce the inference that he would not be guilty of an illegal or immoral act. It was also stated, that Mrs Moorhouse, though in the family way, went through the crowd; and it was not likely, if danger had been apprehended, that her husband would have permitted her to attend. With respect to persons walking in the military step, to which several witnesses had sworn, it could not affect the persons charged, unless they were proved to have been cognizant of the fact. With respect to the inscription, "Equal Representation or Death," if it meant that those who adhered to such a standard would lose their lives, unless they procured what they deemed "equal representation," it amounted to sedition; but if, as Mr Hunt explained it, the inscription merely meant, that if the people did not procure "equal representation" they would be starved to death, it would not come within the character of sedition. Again, the inscription of "No Corn Laws" left the Jury, to consider whether the meaning of it was, that the corn

laws were so oppressive, that every means, legal or illegal, were to be taken, in order to get rid of them ; or whether it was a mere expression of disapprobation. In the former case, it would certainly be seditious, in the latter, it would not. As to the cap of liberty, it was one of the insignia of the crown ; and when the King went to parliament, an officer of state always bore it before him. It did not, therefore, of necessity, mean any thing seditious. With respect to any stoppage of business occasioned by the meeting, it was positively sworn by a great mass of evidence for the defendants, that it was not at all interrupted ; and certainly, if any interruption of business had taken place in a great town like Manchester, it would have been easy to have called evidence to that fact. The phrase sworn to by one of the witnesses, as having been used by a person going to the meeting, namely, that they would "make a Moscow of Manchester," seemed to be inconsistent with the general intention expressed by the reformers on that day. There was every reason to believe that Mr Entwistle was mistaken in the expression of Hunt about their enemies, as applied to the soldiers. With regard to the shout set up when the military appeared, it might be the shout of consciousness of innocence, and a determination to remain on that consciousness, or it might be the shout of intimidation. Its nature was to be determined by the circumstances in which it was uttered. There was no other witness that spoke to threatening expressions but Mr Francis Phillips. The multitude round the hustings appeared to this witness disciplined troops, ready to protect Hunt in case of any molestation. If he had a false impression in this case, he might in another, and there seemed to be no evidence that the multitude were ready to fight, as

the majority of them had no arms, the most of them being even without sticks. With regard to Mr Hulton, the magistrate, it was to be considered that he was not in that situation which enabled him to observe so accurately what passed as many of those whose evidence negatived the throwing of sticks, stones, and brick-bats. Situated as Mr H. was, and having heard of drillings, &c. he might be agitated, and not cool during the time he was considering that he might become highly criminal if he suffered such proceedings to go to such length as to endanger the peace of the town. The depositions submitted to Mr H., had there been a million of them, could be of no avail, for the Jury were bound alone to attend to *viva voce* evidence, given in open Court. Nadin's statement to Mr Hulton might justify the latter in issuing the warrant, but Nadin had not been produced to prove the circumstances under which he acted ; neither had any of the magistrates been brought forward in corroboration of Mr Hulton's evidence ; and sitting there, as he (the Judge) was, to administer equal justice to all, it was his duty to tell them, if the omission were calculated to raise a doubt in the minds of the Jury, the defendants were most certainly entitled to the benefit of that doubt. To him it appeared, if the evidence of the several witnesses were to be believed, that the conduct of the meeting was peaceable ; and if those who attended it were innocent in their intentions in going to the meeting, they committed no offence in so doing. It appeared, from the evidence of a number of witnesses (whom his Lordship enumerated) that the people went peaceably along—that there were women and children mixed up with them ; and it would be for the Jury to consider how far their intentions must have been peaceable, when many of them thus brought their



wives and daughters with them. As to their having cheered on the field, or at the appearance of the soldiers, they had a perfect right to do so; and unless the cheers were those of defiance, they were quite innocent. Several of the witnesses (for the defence), indeed all of them who spoke of those cheers, looked upon them, not as cheers of defiance, but as proceeding from a consciousness of innocence. Many of the persons, even the women, when they saw the soldiers, looked upon their approach as in no manner hostile to their meeting. When his lordship, in summing up the evidence of Mr Tyas, came to that part which mentioned the hissing opposite the Police-Office,

Mr Hunt requested that his lordship would recollect, that neither he nor Johnson had given any directions or encouragement to the people to hiss.

His lordship said that he was about to state that fact to the Jury.

Having gone through the evidence of several other witnesses, his lordship again called the attention of the Jury to the peaceable conduct of the meeting on the 16th, and the fact that no person had been called to prove that any act of violence had been committed before the cavalry came. They would recollect that there was no interruption of business on that day, and this would materially influence them in the judgment they should form, whether immediate or remote danger was to be feared. On the part of the Crown it was suggested—that it might possibly have been so—that an immediate disturbance was not the object of the parties accused, but that they looked to the future power of some mischief. It would be for the consideration of the Jury to inquire how far this was proved by the evidence. The next question was, whether the meeting was unlawful as to the inten-

tions of any, and which of the defendants. In looking at the case in this view, it was necessary to examine the actions of the several parties. The meeting was admitted on all hands to have been very large, and one of the charges against the defendants was, that they had attempted to excite, in the minds of those present, disaffection and discontent, and to produce a hatred and contempt for the Government of the country, as by law established. Let the Jury look at the facts. It was said that this meeting was called by 700 housekeepers. However, no one of those persons had been called to prove that fact; and as to the manner in which it really was called, or by whom the notice was given, the Court and the Jury were left in the dark. Mr Hunt, it appeared, had recently before this been at a meeting at Smithfield, where certain resolutions had been agreed to. From thence, or at least soon after, he was found in the neighbourhood of Manchester. He was there before the time at which the meeting of the 9th was to have taken place. Now, if Mr Hunt had intended to propose resolutions at the meeting of the 16th, similar to those which he had proposed at the Smithfield meeting, it would be for the Jury to say how far they would be likely to excite discontent and disaffection in the minds of those who were assembled. He would leave this part of the question entirely to them, with only this observation—that if Mr Hunt had such object, and that the resolutions were calculated to excite discontent, then *quoad* Mr Hunt, the meeting would be illegal; and if he communicated such intentions to any others, and that they approved of them, then there would be a conspiracy; and if any three of them went to the meeting with such intent, the meeting would, as far as they were concerned, be illegal; for the law said, “three, or more

persons." The Court and the Jury went, not only on what was proved, but what might be proved, and no evidence had been offered that it was intended to submit any other resolutions to the Court. With respect to the flags which were carried, it was important for the Jury to look at the inscriptions which were on them. There were "Universal Suffrage," "Annual Parliaments," and "Vote by Ballot," "No Corn-laws." Now, if the words "no corn-laws" meant only that the laws on the importation of corn should be repealed, nothing was more harmless than the inscription. The criminality of the motto would be in wishing to have them so repealed by threat or force. Neither was there any harm in the words "Unite and be free," unless the Jury believed that there was a bad intention in calling for such union. The next inscription was "Taxation without representation is unjust and tyrannical." If by this was meant that it would be unjust and tyrannical to tax any man who had not a vote for a member of parliament, it would be unlawful, and calculated to excite disaffection in the minds of those who were present, a great body of whom had not votes. But it was quite an error to suppose that any man in the country was unrepresented. Every member of parliament not only represented the particular place for which he was chosen, but also the whole of the kingdom, and it was his duty to attend to the interest of the country at large. Another banner had the inscription, "Labour is the source of wealth." So it was, and so he hoped it would long continue to be, and that those who acquired wealth by their honest labour should enjoy it, and transmit it down to their posterity. The next flag had the inscription, "Let us die like men, and not be sold as slaves." Surely there were no slaves

in this country; and if the inscription meant to convey that any portion of the people were sold as slaves, such a meaning would be calculated to excite discontent. The banner of Bamford's party bore "Parliaments annual," and "Suffrage universal," "Unity and strength." If any of those banners were meant to convey to the eye what in such a meeting no voice could convey to the ear—if they meant that the people should be disaffected or discontented till they had obtained those objects—then the parties who bore the flags, and those who marched with them, would be guilty of an illegal act, and the meeting, as far as they were concerned, would be illegal. He would now come to another part of the evidence—to the training and drilling; and he should tell them, that if the object of both was to produce greater order and regularity in those who attended the meeting on the 16th, it was perfectly harmless: but if it was intended, by giving this regularity, to give a greater degree of strength to the party, and thereby to overawe the government, or to gain confidence to any seditious opinions to procure a legal object by motives of fear, then it would have been illegal, and the meeting at which they assembled after such training would be illegal also. It would be criminal as to all those who were concerned in training for such an object, though there might be thousands of others attending it who knew nothing of such motives, and whose purpose was quite legal.

Now, as to the part which each individual took in the meeting:—First, Mr Hunt came to the neighbourhood of Manchester. He was met at Bullock-Smithy by Moorhouse, and he went to Manchester on the 9th, where he addressed the people, certainly not in a manner respectful to the magistrates. He remains in the neighbourhood till the 16th, and nobody knew

how he spent his time till then ; at least it was not in evidence, any farther than that he was at Johnson's. It was a question for the consideration of the Jury, whether he intended to propose the resolutions carried at Smithfield ; at all events, he had offered no evidence to shew that he had any others. Mr Hunt and Johnson were both present when the people hissed at Murray's and at the police ; but it did not appear that either of them had advised or encouraged it. Johnson was on the hustings, and proposed Mr Hunt as chairman ; and it would be for the Jury to say, how far he was likely to know the resolutions which were intended to be proposed. This would entirely depend on their opinion of his intentions. He next came to Moorhouse, and certainly he appeared to have had less participation in what had passed than all the others. The Jury would look at his case, and, judging by his acts, would see how far he was connected with what was done. Conjecture would not be sufficient against him, and if only such existed, he was entitled to an acquittal. The Jury would next look at the case of Swift, and see how far he was connected with any previous motives. It appeared from the evidence of Mr Henry Orton, a reporter, that Swift was present, and exhorted the meeting to be peaceable ; but then this was on the testimony of a witness whose recollection as to other points was at least questionable. He (Mr Justice Bayley) had before told the Jury, that evidence of words from recollection of this kind ought to be looked at with caution. He did not mean to say that Mr Orton told any thing which he (Orton) did not believe, but the Jury would do well to consider whether his recollection of what passed was the most accurate. He next came to Healy ; and if the Jury believed that he meant to impress on the minds of

the people that they should have any change in the representation by means of force or threats, he would be guilty. As to the words, " No Corn-Laws," as he had said before, that was a point on which much difference of opinion existed in the country, and a wish to have them repealed could not be criminal. But the words, " Taxation without representation is unjust and tyrannical," were, if they bore the meaning he had before said, calculated to excite disaffection, and would, in that case, be illegal. Bamford, it appeared, headed a party ; but if the banners which were borne by that party were not calculated to excite disaffection, there was nothing in the manner or conduct of the people to excite alarm. As to Wylde, he was at the head of another party, but the banners which they bore were not specified, and therefore it could not be known whether they were of a dangerous tendency or not. Jones was proved to have been on the hustings, but it would be for the Jury to say whether it was for the purpose of constructing them or not. It appeared he had used the word " enemies" in one of his speeches to the people. He (Mr Justice Bayley) was sorry for it. That word should not be applied by any one set of men in this country to another, where all ought to be united in one common bond of amity and union.

It was very near twelve o'clock when his lordship concluded ; and, in a few minutes after, the Jury retired ; and, after consulting together for five hours, returned into Court at five o'clock. The Foreman held a paper in his hand, and said the Jury had agreed upon their verdict, which he read as follows —

" Moorhouse, Jones, Wild, Swift, Saxton—*Not Guilty*.—Henry Hunt, Joseph Johnson, John Knight, Joseph Healy, and Samuel Bamford—*Guilty* of assembling with unlawful

banners an unlawful assembly, for the purpose of moving and inciting the liege subjects of our Sovereign Lord the King into contempt and hatred of the Government and Constitution of the realm, as by law established, and attending of the same."

Mr Justice Bayley. "Do you mean that they themselves intended to incite?"—The Foreman. "Yes."—Mr Littledale. "This verdict must be taken on the fourth count."—Mr Justice Bayley. "Let the verdict be so recorded. You find, gentlemen, on each count as the words of your verdict are applicable to. You do not mean to find that they created terror, or incited it in the minds of the liege subjects of our King?"—The Foreman. "We meant, my lord, to find on the first count, omitting a few words."—The learned Judge then requested they would retire and look over the counts of the indictments again, and say to which count they meant to apply their verdict.

The Jury withdrew for a few minutes, and returned with a verdict of Guilty generally on the *fourth* count, and Not Guilty upon the remaining counts.—Mr Justice Bayley. "I take it for granted the defendants are still under recognizances."—Mr Hunt. "We are, my lord."—Mr Justice Bayley. "Then let them now additionally, in Court, enter into their own recognizances to keep the peace and good behaviour for six months, Mr Hunt in the sum of 2000*l*, Mr Johnson of 1000*l*, Knight, Bamford, and Healy, 500*l*. each.

The parties immediately entered into their several recognizances.

Mr Hunt said, he meant to take the sense of the Court of King's-bench upon the legality of the verdict.

Mr Hunt, according to the notice he had given, moved on the 26th of

April for a new trial in the Court of King's-bench. On his presenting himself, the Chief Justice called upon him to state the grounds on which this motion was made.

Mr Hunt.—The first ground, my lord, is a misapprehension of the learned Judge, in rejecting evidence which ought to have been received.

The Lord Chief-Justice.—That was evidence tendered on your part, I presume.

Mr Hunt.—Exactly so, my lord; and also in preventing me from getting the same point out, by the cross-examination of the witnesses for the prosecution.

The Lord Chief-Justice.—What was the general nature of the evidence?

Mr Hunt.—It was evidence as to the acts of aggression—of cutting, maiming, and killing, committed by the Yeomanry Cavalry, and other military, upon the persons of those who attended the meeting.

The Lord Chief-Justice.—At Manchester, I suppose? What is your next point?

Mr Hunt.—The next point is, my lord, the learned Judge's admitting evidence which, I say, ought to have been rejected.

The Lord Chief-Justice.—What species of evidence was that?

Mr Hunt.—Certain resolutions of a meeting held in Smithfield, my lord.

The Lord Chief-Justice.—Any thing else, Mr Hunt?

Mr Hunt.—Yes, my lord. The admission of evidence of certain trainings and drillings at a place called White-moss. The third point is a misdirection of the Judge, which arose in consequence of these points.

The Lord Chief-Justice.—That is, these rejections and admissions of certain evidence?

Mr Hunt.—Yes, my lord.

Mr Justice Bayley.—You mean,

Mr Hunt, for putting to the Jury, points as arising by inference out of the evidence so admitted?

Mr Hunt.—Precisely so, my lord The fourth ground is, that the Jury gave a verdict contrary to evidence.

The Lord Chief-Justice.—Have you any other ground?

Mr Hunt.—Yes, my lord; I have a fifth and last ground. It is, that the Jury gave a verdict contrary to the direction of the learned Judge.

The Lord Chief-Justice.—Are those all the points?

Mr Hunt.—They are, my lord.

The Chief Justice then stated it to be necessary that his brother Bayley should read over all the minutes of the trial. Accordingly, in the course of the present and successive days, this was done, and Mr Hunt pleaded at great length his right to a new trial.

On the 8th May, the Chief Justice pronounced his opinion as follows:

Although this matter has occupied a considerable portion of that time and attention which is dedicated to the general administration of justice, it has not presented to my mind any doubt whatever; and I will deliver my opinion upon the several points with as much brevity as possible.

The first objection taken by the defendants was to the rejection of evidence as to the supposed misconduct of the military in the dispersion of the meeting; and, in my opinion, that evidence was perfectly irrelevant to the matter in issue. The matter in issue was the object or purpose of the assembly, and the conduct of the people prior to the dispersion. The conduct of those who dispersed the meeting could have nothing to do with the object, because that object existed before the meeting assembled. No evidence which went to prove the conduct of the persons assembled was rejected; on the contrary, witness after

witness was called, who spoke to the propriety and peaceableness of that conduct up to the time when the military arrived; and I am therefore of opinion that the evidence in question was properly rejected. If, however, any doubt upon that point could exist, the verdict of the Jury, narrowing the charge to the fourth count, would remove that doubt altogether, because that count does not charge the defendants with any violence at the time of the meeting.

The second point of objection is to the admission of the resolutions of the Smithfield meeting; and the objections to this point of evidence are twofold: first, that the best evidence was not produced which the circumstances might have afforded; and, second, that no evidence ought to have been admitted upon the subject. With respect to the first of these objections, the papers which were produced were proved to have been received from the hands of one of the defendants at the time of the meeting, as the resolutions which were to be passed at the meeting; and therefore, as against that defendant, no better evidence could exist. With regard to the latter objection, it was in proof that these resolutions had been recently proposed by that defendant at a very numerous meeting held for the alleged purpose of parliamentary reform—the avowed purpose of the meeting in question—at which that same defendant, a stranger in Manchester, was invited to take the chair; and, as regarded the question of intention, I have no doubt that it was competent to shew, as against that defendant, that at a similar meeting, held for an object professedly similar, such matter had been proposed under his immediate inspection. The effect of that evidence was left to the Jury: it certainly did amount to a declaration, by the defendant, of his opinions upon the sub-

ject of Parliamentary Reform. The third objection was to the reception of that evidence which regarded the training and drilling, and the assault at White-moss. The question submitted to the Jury upon this head presented two points : first, the general character of the assembly ; and, second, the particular case of each individual charged, as connected with that general character. Now it was proved by the evidence, that a very considerable part of the persons assembled, and indeed all who came from a distance, came to the meeting in large bodies, in organized bodies, and with a military step and movement. The conclusion which would naturally be drawn from such appearances was a point for the consideration of the Jury ; and no reasonable person will say that that point was left to the Jury in a manner more unfavourable to the defendants than was warranted by the circumstances. It is also proper to state, that at the particular place from which one of these large bodies came, persons had been formed and trained to marching and military movements ; and that these same persons had violently ill-treated certain individuals, whom they called spies, and had made one of those individuals take an oath that he never would be a King's man or name the King again ; and that some of the persons who composed the Manchester meeting expressed their hatred to this man, by hissing and hooting as they passed his house. There can be no doubt, I think, that this evidence formed matter for the consideration of the Jury. With respect to the last point—the reception of evidence as to the inscription upon the flags or banners—I think it was not necessary either to produce those flags, or to give notice to the defendants to produce them. Those cases in which the actual production of writings has been required, are widely different from the present case. I

am not aware that the evidence of eye-witnesses as to flags exposed to public view was ever called in question until now. Inscriptions, under such circumstances, are public expressions of the sentiments of those persons who bear or who adopt them. If it were to be held that words so exhibited could not be proved unless by the actual production of the flags, why should the witness be allowed to state the colour of the flag, or even to say that he saw the flag at all ? because, according to Mr Hunt's argument upon each of those points, the production would be the best evidence ; and if parole evidence under any circumstances ought to be received, I think it was good evidence in the present case, notwithstanding the assertion that some of the banners were at the time of the trial in the custody of a constable at York ; because, even taking this to be the fact, if the flags had been produced, then the prosecutors might have been called upon to prove that the flags produced were the same flags taken at the meeting ; to deduce them from hand to hand ; and, in case one step should fail, the evidence must be rejected altogether. To require such proof would be unreasonable, and to give it, in many cases, impossible. Having now disposed of these objections to the law laid down in the case, I shall take no notice of what has been called misdirection as to this or that particular point ; I shall only say, generally, that the whole effect of the evidence appears to me to have been left most properly to the Jury : that the Jury were not directed to presume against the defendants any thing which was not well warranted by the evidence ; and that they have not come to any conclusion which the nature of that evidence did not fully justify. I therefore think that this is not a case in which a rule to shew cause should be granted.

On the 15th May, the defendants

were called up to receive judgment. Affidavits were put in, and a speech of considerable length made by Mr Hunt in mitigation of punishment.

Mr Justice BAYLEY, in pronouncing the judgment of the Court, went at great length into the detail of the case. From the great number of persons who attended the meeting of the 16th August, that meeting could scarcely be considered a deliberative assembly. The probability was, that, in a meeting of such magnitude, individuals would rather be taught their grievances by the persons who presided than state the grievances which they actually endured, and that the remedies resolved upon would be provided in the same manner. His lordship then adverted to the question as to the resolutions. If the resolutions to be passed at the Manchester meeting were the Smithfield resolutions, no one could entertain any doubt of the effect which such proposals were calculated to produce upon such an assembly. If it was intended to pass different resolutions, it had been competent to the defendants to shew, by evidence or by affidavits, what these resolutions were. The learned Judge concluded his address by observing that the Court had not been inattentive to the affidavits of the defendant, and proceeded to pass sentence.

The sentence of the Court was, that Mr Hunt should be imprisoned in Ilchester goal for the term of two years and six months. At the expiration of that time to find sureties for his good behaviour during a further term of five years, himself in 1000*l.* and two other persons in 500*l.* each. Johnston, Healy, and Bamford, to be imprisoned in Lincoln-goal for the period of one year, and, at the expiration of that time, each to enter into sureties for his good behaviour during five years, himself in 200*l.* and two other persons in 100*l.* each.

Mr Hunt wished to know whether his confinement was to be solitary confinement.

Mr Justice BAYLEY replied, that the Court made no such order. He had no doubt that every proper attention would be paid to the convenience of the defendants; and, if cause of complaint should arise, that complaint would be attended to.

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SIR FRANCIS BURDETT, FOR LIBEL,  
CONTAINED IN A LETTER TO HIS  
CONSTITUENTS, ON THE MANCHESTER  
PROCEEDINGS

*Leicester, March 23d.*

The Jury being impanelled, Mr BALGUY opened the proceeding. He stated, that this was an information filed by his Majesty's Attorney-General against the defendant, Sir Francis Burdett, for a libel. The first count charged, that the defendant, being an ill-disposed person, and intending to excite hatred and contempt of his Majesty's Government, and particularly among the soldiers of the King, and wishing to have it believed that certain troops of the King, on the 16th of August, 1819, wantonly and cruelly cut down certain of his Majesty's subjects, did, on the 22d of the same month of August, publish a certain libel. The count then set out the libel *verbatim*, which was in these words:—

*"To the Electors of Westminster."*

"Gentlemen—On reading the newspaper this morning, having arrived late yesterday evening, I was filled with shame, grief, and indignation, at the account of the blood spilt at Manchester. This, then, is the answer of the boroughmongers to the petitioning people—this is the practical proof of our standing in no need of reform—

these the practical blessings of our glorious boroughmonger domination—this the use of a standing army in time of peace. It seems our fathers were not such fools as some would make us believe, in opposing the establishment of a standing army, and sending King William's Dutch Guards out of the country. Yet, would to Heaven they had been Dutchmen, or Switzers, or Hessians, or Hanoverians, or any thing rather than Englishmen, who have done such deeds. What! kill men unarmed, resisting!—and, gracious God! women, too, disfigured, maimed, cut down, and trampled upon by dragoons! Is this England? This a Christian land? A land of freedom? Can such things be, and pass us by like a summer cloud unheeded?—Forbid it every drop of English blood, in every vein, that does not proclaim its owner bastard! Will the gentlemen of England support or wink at such proceedings? They have a great stake in their country. They hold great estates, and they are bound in duty, and in honour, to consider them as retaining fees on the part of their country for upholding its rights and liberties. Surely they will at length awake, and find they have other duties to perform besides fattening bullocks and planting cabbages. They never can stand tamely by, as lookers on, while bloody Neroes rip open their mothers' wombs! They must join the general voice, loudly demanding justice and redress; and head public meetings throughout the United Kingdom, to put a stop, in its commencement, to a reign of terror and of blood,—to afford consolation, as far as it can be afforded, and legal redress, to the widows and orphans and mutilated victims of this unparalleled and barbarous outrage. For this purpose, I propose that a meeting should be called in Westminster, which the gentlemen of the committee will arrange, and whose summons I will hold my-

self in readiness to attend. Whether the penalty of our meeting will be death, by military execution, I know not; but this I know, a man can die but once; and never better than in vindicating the laws and liberties of his country.

"Excuse this hasty address. I can scarcely tell what I have written. It may be a libel; or the Attorney-General may call it so—just as he pleases. When the seven bishops were tried for a libel, the army of James II., then encamped on Hounslow-heath, for supporting arbitrary power, gave three cheers on hearing of their acquittal: the King, startled at the noise, asked, 'What's that?'—'Nothing, sir,' was the answer, 'but the soldiers shouting at the acquittal of the seven bishops.' 'Do ye call that nothing?' replied the misgiving tyrant; and shortly after abdicated the government. 'Tis true, James could not inflict the torture on his soldiers!—could not tear the living flesh from their bones with a cat-of-nine-tails!—could not slay them alive!—Be this as it may, our duty is to meet! and 'England expects every man to do his duty!'

"I remain, Gentleman,

Most truly and faithfully,

Your most obedient servant,

F. BURDETT.

"Kirby-park, Aug. 22. 1819."

The learned Counsel said, that the information contained other counts, laying the charge in a different manner.

Mr Serjeant VAUGHAN then addressed the Jury.—Considering with whom this prosecution originated, and against whom it was levelled, he was not surprised that it had excited the curiosity and interest which appeared in the court. A great law-officer of the Crown had thought it necessary to bring before a Jury of his country a gentleman of ancient family, of great



fortune, and of splendid talents, and who was now, he believed, the favourite candidate for representing in parliament one of the principal cities in the empire. The information charged, that the defendant being an ill disposed person, and intending to excite his Majesty's subjects, and particularly the soldiers, to sedition, and wishing and intending to have it believed that certain troops of the King killed certain subjects of the King, did publish the letter in question. They must therefore try this question—whether there was this intention to excite hatred and contempt of the Government, and to excite the soldiers against it? With respect to motives, we could only judge of them by the acts or declarations of men; and taking that rule, it was not uncharitable to suppose that the writer of this letter meant that which appeared on the face of this information. If they thought it was his intention to do that which was charged against him, it was their duty to find him guilty. Every man was supposed to be acquainted with the consequences of his own act, and for his own act he must be responsible. The letter related to certain transactions at Manchester, which were now under discussion in another county. They were not now to make up their minds whether the meeting at Manchester on the 16th of August was a legal or an illegal meeting; but no reasonable man, he thought, could say that it was not an illegal meeting. But if the meeting of the 16th of August had been a legal assembly, and had been illegally dispersed, and if the soldiers had committed those excesses and cruelties that were charged against them, a person was not justified in writing such a letter as the one in question. Was this, or was it not, a libel upon the government and the soldiery? The truth of the libel was no answer to any such

charge. He came now to the letter itself.

The learned Council then went over the different paragraphs of the letter, and endeavoured to shew their seditious tendency. He finally observed, it was impossible that any reasonable man could read this letter, and say that it was not calculated to inflame the soldiers. He said that "James II. could not inflict the torture on his soldiers—could not tear the living flesh from their bones with a cat-of-nine-tails—could not flay them alive"—by which he meant that the soldiers of the present day lived under greater tyranny than in the reign of James the Second. Was this, or not, the language of excitement? Was it not intended to make the soldiers believe that they were cruelly treated, and that their condition ought to be ameliorated? This was the libel. It was for the Jury to say, under the circumstances, whether the defendant was guilty or not. He had not read to them one or two passages only, upon which a greater stress might be laid—he had read the whole of the letter. Some passages were expressed in such terms, that no one would have instituted a prosecution against the writer; but others were so violent, and, taking the whole of it together, it appeared to him to be so highly seditious, that if the great law-officers of the Crown, who had instituted this prosecution, had failed to notice it, they would have been guilty of a great dereliction of duty. Indeed, the writer had thrown out a challenge to the Attorney-General to prosecute; and if he had not prosecuted the defendant for this publication, it might have been said, that, in an age like this, when, unfortunately, so many persons were brought before the tribunals of their country for libelling the Government, the humble and ignorant were visited with the penalties of

the laws, while the rich and enlightened were suffered to escape with impunity.

Evidence was called to prove that the letter in Sir Francis's hand-writing had been received in London, and sent to the newspapers for publication. It was also proved, that on the day when the letter was written, Sir Francis was at his house in Leicestershire.

Mr Denman objected that there was no proof of publication in Leicestershire. It was supposed that the letter must have been put into the post-office in that county; but there were many suppositions which might obviate such a conclusion. Mr Justice Best, however, conceived that the mere circumstance of its being written and signed in Leicestershire.

Sir Francis, in entering on his defence, made a long exposition of the hardships which he endured in being prosecuted on an *ex officio* information, and in not having the benefit of a Grand Jury. He then proceeded to justify himself on the particular charge. Nothing could be more vague or indefinite than the charge against him; he did not believe a precedent for it could be found upon the files of the Court. It used to be the practice in indictments to use the words *vi et armis*, and to allege that force had been used. In an action, he might justify by proving the truth of what he had written; but under the circumstances in which he was now placed, it was impossible for him to make any defence. He was left utterly bare and unprotected. The circumstance of his being tried by a special jury, was in itself evidence that the offence with which he was charged was not of a very heinous character. Falsehood, which was in ordinary cases the *gravamen* of the complaint, was omitted altogether in the information against him. How could the allegation of falsehood ever be looked upon in a criminal proceed-

ing, as mere surplusage or ornament? Supposing that the question of truth or falsehood was in itself of no legal importance, still it was worth inquiring into, as affording evidence of the criminal intention with which a publication was made. He should be glad to know how an indictment would read, if it were alleged in it that the defendant had *truly*, instead of falsely, set forth the matter of his complaint. Now, the information in question was as bare as *Æsop's crow*—it had not upon it a single feather. It meant, if it meant any thing, that he was desirous of exciting disaffection, and had an interest in producing disorder. He would, however, assert, that it was impossible to impute to him, with any colour of probability, any motive to commit bad acts of this kind. The Attorney-General had stronger motives than he could have for doing what was wrong, inasmuch as the learned gentleman had his fortune to make, while he (Sir F. Burdett) was satisfied with what he was already in possession of. As an English gentleman, he conceived himself bound to assist in upholding the rights of his countrymen; and he could shew that this had ever been the prevailing bent and disposition of his mind. On all occasions he had endeavoured to impress on the minds of other independent gentlemen, that the greatest danger arose from the want of union between the more powerful classes and the people. It was absurd to suppose that his finding fault with what had been done at Manchester could excite disaffection to the government amongst the soldiers. It must excite disaffection to himself, if it provoked any sentiment of that nature. But were soldiers, because they had served creditably abroad, to be sanctioned in cutting down their countrymen at home? There was no calumny in reproaching conduct of this kind; for nothing but

falsehood could be calumnious. No doubt, his letter expressed dissatisfaction, but its whole scope was to procure legal inquiry and redress. For such motives he should therefore take credit, nor was he aware by what right the Attorney-General could attribute any other to him. The letter was not addressed to persons likely to be instigated to acts of tumult or violence. It was addressed to his constituents, and to country gentlemen, a body of persons whom he could hardly expect or intend to inflame against the government.

The Honourable Bart. after some further observations with regard to the *venue*, entered at considerable length into the subject of a reform of parliament, and quoted a long list of authorities favourable to the doctrine of a more extensive representation of the people. Amongst these were Lord Clarendon, Lord Bolingbroke, Swift, Locke, Lord Camden, Lord Chatham, Mr Justice Blackstone, the Duke of Richmond, Mr Pitt, and Mr Fox. He was ashamed to weary them with so many quotations, but it was of the greatest importance that he should not be suspected or treated as if he used reform as a mask or cover for hostility and mischievousness. It was too much to talk of reform as wild and visionary, when it had been supported by such men, and with so much ability. His object in laying those statements before them was to shew that there was no culpability in loving freedom, and in endeavouring to obtain that parliamentary reform which was essential to the welfare and liberty of the people. For himself, this had been his object from the commencement of his life. He would read to them extracts of speeches made by him in parliament on four several motions. The subject of the first two was respecting the usage of soldiers. They had heard what Chief-Justice Holt thought of

soldiers interfering with the execution of the laws, and they could judge whether he thought them a part of the government. But Blackstone's language, he was afraid, tended to excite disaffection far beyond any thing in his letter. Here the Honourable Baronet read Blackstone's observations on the danger of a distinction between the soldiers and the community—the cruelty of having a body of men reduced to a state of servitude in the midst of a free nation. There was not one word in the letter about magistrates, much less about the ministers of the Crown. The whole related to boroughmongers, and to the immediate authors of the transactions at Manchester. These transactions too were referred to, not as matters within his own knowledge, but as statements made in the public journals. Most sincerely did he wish that those accounts had proved untrue; but he was at that time riding out of Wiltshire, and found, upon his journey, that all persons were full of the same intelligence. He would now read from a very violent newspaper (the paper calling itself *The New Times*) a passage from the narrative of those proceedings, and the contents of which passage, if true, were quite enough to warrant any man in saying, that the course pursued at Manchester on the 16th of August was not the way in which the laws ought to be enforced. It had been alleged that the meeting at Manchester was originally illegal; to which, however, it might be replied, that the parties had no suspicion of this circumstance at the time. It was a recent discovery, that a meeting might be rendered illegal by numbers merely. But it appeared that the magistrates themselves were not apprised of this illegality, for they were previously acquainted with all the circumstances, and took no measures to prevent the meeting. Had

they considered it illegal, they had every reason to believe that they had the power to prevent it, because, in point of fact, their prohibition of another meeting for a different purpose had produced this effect. It was impossible to suppose, therefore, that they had regarded the assemblage on the 16th of August as an assemblage of persons contrary to law. In this view, the magistrates had been actually guilty of what he was charged with simply provoking—that was a breach of the peace. Mr Hunt might have been arrested at any time; there was no need of waiting till he was surrounded with an immense number of persons. This, then, was a bad sample of prudence, and of that discretion by which individuals engaged in the administration of justice should be guided. Common humanity, he should have conceived, might have dictated a different mode of proceeding. It had too much the appearance of a wish to produce irritation, and to excite the people to a riot. This supposition was indeed further countenanced by the tone and spirit of the journals under ministerial influence. Those writers had taunted the reformers with a want of courage, and were reproached for suffering themselves to be dispersed and cut down without opposition. Allowing even that the meeting at Manchester was held for treasonable purposes, there was no colour of law for the violence which had been exercised towards it. Mr Justice Blackstone had described the riot-act as an act of great severity, but it authorized no proceedings of this description. In point of fact, it did not appear that the riot-act had been at all read on the 16th of August, nor, unless a riot was actually taking place, had any magistrate a right to read it. Not a word was to be found to warrant the sending amongst the crowd men bearing fire-arms and other military wea-

pons. The constitution had, then, in this instance, been grossly outraged; and he was persuaded that the outrage would still be, on some future day, made the subject of inquiry. It was not a matter that could be hushed into oblivion. It bore a good deal of resemblance to what was generally called the massacre of Glencoe, at the beginning of the reign of King William III. The acts of which he had spoken with reprobation could be justified upon no principle, and he had witnesses in Court who would prove that the accounts from which he had derived his information as to those acts were perfectly correct.

Mr Justice BENT here intimated, that no such evidence could be received on the trial of the present issue.

Sir F. Burdett resumed, and proceeded to read an extract from the *Courier* newspaper, relative to the Manchester transactions, which he thought afforded additional proof of an anxious desire on the part of the ministerial writers that the reformers should be instigated to acts of violence. Because they did not resist, they were reproached with cowardice and baseness. The most calumnious charge he had ever met with was to be found in the *New Times*, in which it was said, that “Mr Hunt would certainly have been cut to pieces, had it not been for the interference of Mr Nadin.” Such was the spirit in which these regular libellers wrote against all whose politics differed from their own. If his letter could be supposed to produce any effect of the kind imputed to it, it must be to bring the soldiers, and not the government, into contempt. It was stated in *The Times* journal, that when the military rode into the crowd, they wounded and trampled upon women as well as men; and was not this enough to fill every individual with shame, grief, and indignation? Was it not calculated to

excite every individual to give expression to these sentiments? His letter was an appeal to the country gentlemen, inviting them to join in an endeavour to obtain justice. The greatest miscreant in society was not to be treated as it appeared, by a ministerial paper, it had been intended to treat Mr Hunt. He knew not how the *Courier*, and other journals, escaped prosecution, if his letter, recommending inquiry and redress, was to be deemed libellous. That redress had, to a certain extent, been obtained, but none of the evil consequences which it was said the letter had a tendency to produce had followed. The purpose for which he wrote it had been accomplished, but the end which he was accused of having in view had not been brought about. So far, then, there was evidence in his favour, and the suspicion of a bad intention was refuted by the experience of what had actually occurred. He proposed next to read a part of a speech of Mr Fox's, and of an address which he afterwards wrote to the electors of Westminster—an address which he (Sir F. Burdett) wondered the Attorney-General had not prosecuted. Mr Fox, in his speech, described the House of Commons as deterred by no scruples, checked by no reasons, moved by no facts, and altogether such, that the reform which once might have been unnecessary, had become absolutely indispensable. Mr Fox had characterised "the whole system as inconsistent with good government, and giving a fashion to imposture; it was the parent of degradation, hypocrisy, and fraud—took away from our institutions the energies of virtue, defeated all the ends of government, and destined to sink in its own weakness." He next read extracts from Mr Pitt's speech in 1782, which exposed, in detail, the marketability of seats in parliament, specified the fact of the Na-

bob of Arcot having six or seven representatives in parliament, and stated the possibility of a foreign state obtaining control over us by purchasing seats in the House of Commons. But he recollected a stronger passage, where Mr Pitt said, that "under such a system, no honest man could be a minister." He would prove that he could have had no intention of exciting disaffection or sedition. They were troubled with this question only because in that country he was not known. They knew nothing of him personally; and if they believed the eternal calumnies of the *Morning Post*, the *New Times*, and the *Courier*, they would, of course, find him guilty. He would shew that he could have had no evil mind, no malice, and no sedition; for sedition, they would recollect, was a separation in the affections of the people from the King. He then read an extract from his speech, in 1802, on the subject of the allowance to the Prince of Wales, and the Duchy of Cornwall. In that speech he had said, that the Prince was treated by the House in a very disrespectful manner; and that the hen to the crown ought to be liberally endowed, that he might feel no temptation to become the slave of administration. In his speech on the mutiny-bill, he had shewn no ill-will to the soldiers. The motion was, that a soldier should not be turned out without a court-martial. This was both just and reasonable, and he had supported it. He had made another speech on a motion for parliamentary reform, in which he had urged the necessity of giving to the Crown its just prerogatives, and to the people a fair representation; and stated, that, under the present system, the King had not the power even of appointing his own ministers. He had then said that he was a Tory of Queen Anne's reign. Others might amuse themselves with theories and phan-

tasms which eluded the grasp; he founded his doctrines on the statute-books and the laws of England. In that debate, allusion had been made by Mr Whitbread to the fable of the stag and the horse, in order to shew the danger of applying to the King for assistance. To this apprehension he had said that he could lend no ear; his apprehension was from the usurpation of the prerogatives by the boroughmongers. On that occasion he had represented his object to be, to rescue the country from innovation—time being, according to Bacon, the greatest innovator, whose injuries must be remedied; and had contended, that the House of Commons ought to be the shield, and not the sword, of the people. “The power of the boroughmongers had entailed every evil which distracted and endangered the state; it had excited all the bitter contentions which afflicted us—sat arbitress of the strife—

“And, by decision, more embroiled the fray.”

His object in quoting those recorded opinions of his own was, to prove that such had been his uniform sentiments. Those extracts shewed that he had never entertained opinions or sentiments calculated to propagate sedition, but that ever since 1802 he had been doing the very contrary, and endeavouring to unite all classes, in order to effect what so many enlightened men considered essential to the welfare of the country. They would not believe him to be seditious upon an unsupported charge. The Attorney-General had said—and he was extremely glad that he had said—that they were to judge of a man from his acts and declarations. He appealed to his acts and declarations, and he could not see how, by possibility, they could from these judge that he was evil-minded, malicious, or seditious.

These recorded acts of his were better testimony than every person in the world called as witnesses. Let his whole life be inquired into—let every word he ever wrote or uttered be examined—he defied any man to find any sentence inconsistent with those principles. On account of the vagueness and indefiniteness of the charge against him, he was entitled to every possible indulgence; but he was still more entitled to that indulgence here, on account of the defectiveness of the information. He had not from malice invented, but he had from perfect conviction stated, that persons had been put to death (at Manchester). He had evidence, which he would offer at least, that the facts were such as he had believed and stated. If they did not believe that he was desirous of inciting to insurrection, they could not find him guilty. They must first find him mad. He had spoken in his letter, as he uniformly did, of the gentlemen of England, whom he always looked on as the guardians of the constitution. He had not called on the people, but he had called on all to unite in resisting the usurpations and cruelty of an oligarchy. To the King he had sworn allegiance. To the boroughmongers he had sworn none, and never would;—to the boroughmongers he had always declared hostility, and hostility he ever should declare to them. He was sorry if they did not agree with him, and thought his opinions dangerous; but still, if they did not believe that his intentions had been to incite to sedition, they would not convict him upon the present charge. What possible motive could he have had for so wicked and stupid a thing? He defied Mr Attorney to give a colour of credibility to the charge. Mr Attorney had indeed refuted his own charge, and unless it could be shewn that he was mad, it was impossible for the Jury to say that his letter had any

tendency to sedition. The whole course of his life was in direct opposition to such a charge. On looking backward it would be extremely difficult to find one who had so little listened to popular delusions, or even to what was called popular opinion. With popular opinions he had never fallen in. For instance, on the corn-bill, in which the people felt the greatest interest, he had argued with them that they were in error. In every speech which he had ever uttered in parliament, or out of parliament, at public meetings, or on the hustings, he had uniformly shewn and recommended proper respect to the Royal Family. Even against the Whigs, although acting with them, and voting with them, he had contended in parliament for the same principle. When he wrote the letter he had learnt that military force had been employed in the most unwarrantable manner. He had not addressed it, as some had done, "to the weaver-boys of Coventry," but to the enlightened electors of Westminster, whose representative he had been. He had called upon the people to meet, and if numbers made a meeting illegal, the meeting at Westminster must have been illegal. But that meeting had not been disturbed, and only at Manchester had military force been applied. At Smithfield, where Dr Harrison, the chairman, had been arrested, the meeting terminated tranquilly, and Mr Hunt, he had no doubt, would in like manner have quietly submitted. At York there had been a large meeting; but as there was no military interference, there was no disturbance. He had never conceived that numbers constituted illegality in a meeting. His object had been to ascertain that they could meet, and not be interrupted. His letter was nothing more than a call to come forward for this object. With what pretence could this be charged to have been done from

a malicious and seditious motive, without reason, or argument, or colour of sense? But be the charge what it might, and be the result what it might, it was to him matter of indifference. All men had their ruling passions, and all passions become so by indulgence; he had his ruling passions, and they were of a public kind. He should have been ashamed to address them at such length, but that he grasped at the opportunity afforded to him, by being thus called on, to set himself straight in their view. They would go out of Court with different ideas of his character and intentions.

Mr DENMAN here offered evidence to prove the statements respecting the Manchester meeting.

Mr Justice BEST said, that which related to the proceedings at Manchester was irrelevant; he would allow no evidence of what had passed there.

Mr DENMAN.—If evidence of the facts negatived malice, in stating that the troops cut down men, it must be important, and he therefore offered evidence to prove them true.

Mr Justice BEST asked, if it was possible that such a charge as this could be met by evidence of that description?

Mr DENMAN observed, that if the charge was, that troops were stated to have cut down men, evidence of the truth disproved malice in the statement.

Mr Justice BEST was of opinion that this was not evidence.

Mr Justice BEST said, he would not take up much of their time, after the length to which this trial had proceeded, but it was absolutely necessary for him to make some observations, because their attention had been called away from the question before them. Many remarks had been made in defence, which were entitled to no weight in their consideration. With the remarks on *ex-officio* prosecutions they

had no concern. The defendant had a right to move in arrest of judgment, if there was no legal foundation for the trial. There was nothing in *Magna Charta* against *ex-officio* informations, and they had been recognized in the best times after the Revolution, when the liberties of the country were established. Those who had planned and established rational liberty had not considered them inconsistent with it. Parliamentary reform was an entirely distinct subject, and perhaps he ought to have prevented the introduction of it; but he had refrained, lest he should prevent any remark favourable to the defendant. Whether reform was necessary or not, was not the question there; but if it was necessary to any extent, it was his opinion that it had been prevented chiefly by the violent proceedings of its friends. None knew better than the learned Counsel who had tendered evidence of the Manchester transactions, that he could not, consistently with his oath, receive it. If the liberty of the press was to be secured, the question of the truth or falsehood of a publication could not be admitted; for if it were, innocent persons might be punished for inadvertent statements. The true question was, as to the spirit of a publication. The liberty of publishing every thing would be inconsistent with another right, equally valuable—the right of preserving character. Another question had arisen with respect to intention. Intention was no doubt an important matter of inquiry, but it was to be learned, not from acts and declarations at other times, but from the paper itself. Unless the paper manifested intention, they could not convict upon it. If the defendant had availed himself of the *locus penitentiæ*, and recalled the letter, as stated in the supposition by himself, that would have shewed intention, and have entitled him to their verdict. If it had

been a petition to the Sovereign, like that of the seven Bishops, it would have been a very different act. He, perhaps, had been wrong in allowing the defendant to read extracts from his speeches, because it was not fair, unless other speeches were read upon the other side. Their business was with the publication alone. If sedition was a charge not to be grappled with or understood, all that had been done for years was illegal, and any man might publish any libel against individuals or government with impunity. Quotations from Locke, Swift, and Bolingbroke, had been read to them. The appeal to the two last was unfortunate, for Bolingbroke was not a Tory when he wrote the passage quoted. He had retired, and was discountenanced. Swift, too, was discontented, because he had failed to obtain an English bishopric. The paper in question was no libel, if it had proceeded from the same pure spirit with which the great and immortal Locke had always written. Without the liberty of the press there could be no free government; but it was thus they might calmly point out errors and suggest improvements. In this manner religion had been purified, and the British Constitution brought to its present perfection. It was another question, whether there was evidence of the paper being published in that country. He felt no difficulty upon that point; but if there was no evidence, the defendant would have the benefit of it. (Here his Lordship read the evidence.) The publication was at least caused in Leicestershire. (Here his Lordship read the letter, and made various comments as he went along.) Upon the expression, "Is this England?—this a Christian land?" he remarked, that it was one of the precepts recommended by Christianity, not to judge too hastily. He believed "country gentlemen did consider their



estates as retaining fees ; and although they did not make so much noise, they would boldly stand forward in defence of the rights and liberties of their country. After reading the passage in which the phrase "bloody Neroes" is mentioned, he asked if this was fair discussion ? Was it not a most over-charged description ? Could any thing justify it ? In the allusion to the abdication of James II. nothing was charged, but a great deal, as it appeared to him, was insinuated. When there were insurrections in several places, the assistance of soldiers became necessary, and at such a time to put them in mind of what might excite disaffection was most dangerous. Our soldiers had fought for the liberties of the country abroad. The defendant said, that the same soldiers who had fought for Cæsar abolished the liberties of their country ; but they had fought under Cæsar for foreign dominion—the British armies for our own independence ; and they would shew the same spirit again, when the necessities of the country should require it. He had no hesitation in saying that this letter was a libel. Was it a calm appeal, or was it calculated to act on the passions of those who were most likely to be excited ? Another paper had been put in evidence ; it was a letter from the defendant to Lord Sidmouth, in which he stated, that, although written in hurry, there was nothing in his letter to the electors of Westminster unbecoming the character of an honest man. That it was written in a hurry was manifest, as every one discovered many inaccuracies in point of language ; but if it was calculated to do mischief, that mischief must have been intended. More poisonous ingredients were never before condensed in one paper.

The Jury immediately found a verdict of—Guilty.

Sir Francis afterwards moved for a new trial in the Court of King's Bench, chiefly on the ground of the absence of any proof of publication in Leicestershire, and consequently the irregularity of the trial having taken place in that county. The plea began to be argued on the 17th June. The Attorney-General then urged as follows :—

The author of the libel was guilty of an offence as well as the publisher ; and where a man was charged with writing and composing, it was necessary to lay the *venue* in that county in which the act of composing or writing had been performed. In the case of the King *v.* Lambe, which would be found in Coke, it had been held that the contriver, the procurer, and the publisher of a libel, were each and all guilty of an offence ; and Lord Holt, in a subsequent case, the King *v.* Bere, had held that the writer was the contriver. Upon the authority of those cases he should contend that the composing a libel was in itself an offence ; and if the publishing only constituted the offence, as had been contended by the counsel for the defendant, to what end were the writing and composing charged in the indictment ? It had been said by the defendant's Counsel, that the proposition which he was maintaining would go to the length of saying, that a man who wrote a libel and kept it in his desk would be punishable. Was there any thing very extraordinary in that ? What was the law in cases of forgery ? It had been held that a man who committed a forgery, and kept it in his desk, without any publication at all, was guilty of felony ; and, in the case of the King *v.* Croker, a man had been convicted under such circumstances. Although proof of the *corpus delicti*, of the writing in Leicestershire, would be sufficient, yet he was prepared to shew that

evidence of actual publication in Leicestershire had been given. It was proved that the letter had been written in Leicestershire, and that it had afterwards been sent open in London. How had it passed from one place to the other? Had it been sent by the post, or had it been delivered to some person in an open state? If it had been put into the post, he had authority for saying that the act of putting it into the post amounted to publication: if it had been delivered open to any person, the publication was obvious.

Mr SCARLETT, at considerable length, supported the rule. He trembled even at the thought that there was a bare possibility that the Court might concur in the arguments of the Attorney-General. The principles which the Attorney-General had broached on that day had slept in darkness for fifty years, and certainly he had never expected to have heard such principles attempted to be revived. That attempt, however, had been made, and made with a degree of energy and zeal which could not have been surpassed even in those fatal times which had witnessed the operation of those principles—in times which England had survived, and which he had hoped that England had forgotten. He did not deny the effect of the cases of “the King v. Paine,” and “the King v. Bere;” but those were cases which had occurred before the Revolution; and he had firmly trusted that the opinions expressed in those cases—opinions founded upon an indistinct conception of the nature of the offence, and upon a strong desire to support a form of arbitrary government—had long since resolved themselves into the more temperate principle, that the crime of libel consisted in the publication. Even, however, upon the dangerous, the horrible principle contended for by the gentlemen on the other side, he would shew that a new trial

ought to be granted in the present case. The charge against the defendant was for composing and publishing—he would put the causing out of the question, for he who caused the composing or publishing did, in effect, compose or publish—a malicious libel. Now the averment could, as it stood, mean nothing but that the composing and publishing took place in Leicestershire; and therefore, if, as the Attorney-General said, the composing itself constituted a crime, or the composing formed one part of the crime, and the publication another, the defendant ought at all events to have been found guilty only of composing or writing in Leicestershire; and the verdict, *quoad* the publication, ought to have been a verdict of acquittal. If the argument on the other side was approved by the Court, the Attorney-General would say next, that any man who found a libel became subject to punishment, unless he destroyed it upon the spot or carried it before a magistrate. Authority even for that position might be found in Lord Coke. According to the case of the King v. Paine, if one man wrote a libellous epigram, and another took a copy of it and kept it for his private amusement, the man who so kept the copy would be punishable, because the thing might at some time afterwards be published. It would be about as reasonable to indict a man for keeping a gun in his house, because at some future period a person might be shot with it. According to the same case, if one man wrote a libel, and another approved it, the approver was guilty. This case was really worth the attention of his learned friend, the Attorney-General; it created a new class of offenders. The principle laid down by Lord Holt, in the case of the King v. Bere, was no less detestable. According to that case, a man might purchase a book in a shop, and place it in his

closet; and if it were found that that book contained matter libellous upon any human creature, the *onus* of proving an innocent intention was thrown upon the unhappy possessor. What a position was this! There was not, perhaps, a book in the libraries of their lordships, not even the Prayer-book itself, from which something libellous might not be extracted—libellous upon some individual, some government, or some system. The very notes which he (Mr Scarlett) was then taking might, in due time, if not destroyed, become libellous. They might by accident be locked up among his papers, and, after his death, his posterity might be prosecuted for possessing them.

On this and the following day, Mr Scarlett endeavoured to shew, by many cases and arguments, the nature and course of the error into which Justice Holt had been led. The term being closed, the case was deferred till the 16th of November, when it was re-argued at great length on the same side by Mr Denman. On the 27th of November, the Judges delivered their opinion.

Justice Best gave a view of the proceedings on the trial. The cause was most ably defended in person by Sir Francis Burdett, who said little upon the point of *venue*, but rested mainly upon the impossibility of his entertaining the intent imputed to him by the information. The Jury found the defendant guilty. A motion for a new trial has since been made, in which that gentleman has had the assistance of the ablest counsel that any bar or any country could produce; and the matter is now in a fit state for decision. Three objections only were taken when the rule to shew cause was granted; a fourth, has since been added, of which, though not taken exactly in time, I wish the defendant to have the full benefit. The first of these objections, I believe, is, that there was no evidence of pub-

lication in Leicestershire. Upon that part of the case I have this to observe—if there was any evidence, of the effect of that evidence, it was not for me to judge. My duty was to put it to the Jury—theirs was to judge of its value. The rule of evidence is the same with plaintiff and with defendant; and it will hardly be contended that a judge could take upon himself to judge of the effect of a defendant's evidence; if he could, it would be a trial by judge, and a trial by jury no longer. There was, in my opinion, such evidence on the part of the prosecution as raised a strong presumption of publication in Leicestershire; and no attempt to rebut that presumption being made, it became, in my mind, conclusive proof. But I have been told that there can be no presumption in a criminal case—that we are not allowed to presume guilt. General propositions are dangerous to deal with. No doubt, we are not to presume without evidence; the law says that we shall not imagine guilt, and, without evidence to raise presumption, such presumption and imagination would be one. But, upon reasonable evidence given, I deny that we are not to presume in a criminal cause as well as in a civil case. In fact, as regards the law of evidence, there is no difference between civil and criminal cases; and there needs no difference if the rules of evidence are the rules of common sense. I beg to say, that there is scarcely a criminal case, from the highest to the lowest class, in which Courts do not act upon presumption, and that for the reason laid down by my Lord Mansfield. "It seldom happens," says that noble lord, in the Douglas case,—“it seldom happens that absolute certainty can be obtained in human affairs, and therefore reason and public utility require that judges, and that all mankind, in forming their opinions of the truth of facts, should be regulated by the

superior number of probabilities on one side and on the other." And throughout our criminal law we constantly act upon this principle. In treason, upon proof of rebellion, or endeavour to excite rebellion, we presume intent to kill the King. In cases of homicide, although the act of killing may be perfectly innocent, we presume that malice which is necessary to constitute murder, and throw it upon the prisoner to relieve himself from that presumption. In cases of burglary or highway robbery, possession of the goods is presumption of the crime until that possession is accounted for. I admit that, in cases where presumption is attempted to be raised for the purpose of proving the great body of delinquency, there the presumption ought to be strong, and such as should leave no rational doubt upon the minds of a Jury; but upon a portion of a case affecting merely the question of *venue*, and which leaves the great body of guilt untouched, I would deal with presumption even as I deal with it in the most trifling cause that ever occupied the time of Westminster-hall. I say that, even supposing the libel to have been sent by post, such sending is publication. I deny that the publication of a libel implies manifestation of its contents, or that the word is so used in the law of England. We hear of a man publishing his will; we speak of publishing an award; but it is not supposed that such a man reads his will or his award; he merely declares that instrument to be his. So, in a case of libel, if a man does the last act which it is for him to do towards the accomplishing of the mischief he intends, he publishes. The moment he passes the libel from his hand, his control of it is gone; he has shot his arrow, and, whether it hits the mark or not, no longer depends upon him; the *locus penitentie* is over; the body of

the offence is committed; and that moment, upon every principle of common sense—that moment he ought to be called upon to answer. What would be the effect of a contrary holding? If a man wraps up a letter or a newspaper in one county, and gives it to a boy to carry into the next, who is the publisher? Would it not be contrary to common sense to deny that the man who sent the paper is the publisher? Suppose a man writing a libel in England upon the King of England, and sending it to be published in Paris or Petersburg, where is that man to be punished?

The other Judges concurring in all the material part of this opinion, the motion was refused.

The SOLICITOR-GENERAL.—As it was not to be expected that Sir Francis Burdett should be in daily attendance during the continuance of the long argument which had been just terminated, and as it was impossible for him to be acquainted with the result to which it had been just brought, he (the Solicitor-General) should not press for judgment against him (Sir F. Burdett) that term, but would allow the matter to stand over till the next.

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SIR CHARLES WOLSELEY, BART.,  
AND JOSEPH HARRISON, FOR SE-  
DITION.

Mr Lloyd stated the indictment to be against Sir Charles Wolseley, Bart., and Joseph Harrison, schoolmaster, on two grounds. The first count charged that they had excited to tumult and insurrection, by holding a numerous meeting on the 23<sup>rd</sup> of July, and addressing seditious words to them, calculated to bring the government into hatred and contempt. The second count charged that they had agreed together to stir up the people to tu-

mult and insurrection, and to excite hatred and contempt against the government.

Mr BENYON rose on the part of the prosecution. No doubt, the learned gentleman said, the Jury were already aware that the present prosecution arose out of one of those dangerous meetings which had been held in Cheshire, and in the adjacent counties, during the last summer—meetings which were calculated to terrify the peaceable subjects of the realm, and which had been headed, and principally promoted, by itinerant orators. The Jury, however, were called upon—and from the knowledge which he (Mr Benyon) had of many of them, he doubted not that they would fulfil their duty—they were called upon by their oaths to dismiss from their minds every circumstance which they had previously heard upon the subject, and to try the case upon the evidence, and only upon the evidence, which would be adduced before them. The two defendants, Sir Charles Wolseley and Mr Harrison, were well known: the first was a gentleman of estate in the county of Stafford, and had inherited a considerable paternal property, together with the rank and title of Baronet, which had been conferred upon one of his ancestors in the reign of Charles the First: the second defendant, Mr Harrison, had been, until lately, a stranger in the county of Chester; he was, the learned counsel believed, a dissenting minister and a schoolmaster. Upon the 26th of July last a public meeting had been announced at Stockport, and, previous to that day, the residents in the neighbourhood had been advised that a meeting was to take place for the real or pretended purpose of petitioning for reform in parliament. Upon the day appointed a number of persons, not less than five thousand, and, according to the statement of one of the defend-

ants, amounting nearly to ten thousand, assembled; and it would be found, that, previous to that meeting, Sir Charles Wolseley and Mr Harrison had been known to each other, and that they had corresponded; and it would be shewn, that, upon the 28th July, they were in intimate conversation for at least an hour before the assembly took place. It would be seen, therefore, that these defendants were not persons accidentally coming together in consequence of the handbills which had announced the meeting, but that they came there together in consequence of a preconcerted scheme. The meeting was numerous, and was attended by men who had bludgeons in their hands; those bludgeons were not merely carried for shew, or for intimidation, but a constable, whom they were pleased to call a spy, was nearly put to death by some persons in the crowd. The meeting in question, the learned counsel would shew, had not been a peaceable meeting for the purpose of petition. It had been attended by persons carrying banners, inscribed with the common cant terms of “no corn laws,” “universal suffrage,” “annual parliaments,” and “voting by ballot.” At a particular house a platform had been erected, upon which the leaders mounted; and the Jury would find the two defendants taking a leading part in the ensuing transactions. It having been previously agreed that Sir Charles Wolseley, as a gentleman of rank and property, should be called to the chair, that individual took the chair amidst the acclamations of the crowd: he then opened the meeting, and used the seditious words imputed to him by the present indictment. Sir Charles Wolseley had said, “that he was in Paris at the beginning of the French revolution: that he was the first man who made a kick at the Bastille; and he expressed his hopes,” and the Jury

would hear in what direction he then pointed, "that he should be present at the demolition of another Bastile." He then abused the Ministers of the Crown, and said that he could not find terms in which to speak with sufficient detestation of them. He spoke of spies, and said that he detested their employers, Sidmouth and Castlereagh. He said, that where the people were not represented, no allegiance was due; taxation was a robbery; and resistance to the government justifiable. A great deal more had been said; but those were the principal points upon which he (the learned counsel) charged the defendant, Sir Charles Wolseley, with having used seditious speeches at this illegal meeting, with a view to bring into hatred and contempt the government and constitution of the country; language more calculated to produce that effect could scarcely be conceived. Mr Harrison, the second defendant, followed Sir Charles Wolseley. He declared against "petitioning any more, which he considered degrading and humiliating. There would be a meeting," he said, "of delegates at Oldham, on the Monday following, at the Union-room, for the purpose of establishing a National Convention; and it would also be one of its duties to devise farther means for extending and consolidating the national union." How far the evidence would bring home to the defendants, or either of them—indeed, if it did to one, it must to both—the charge which was alleged against them, it would be for the Jury to determine. As to the seditious language, there could be no doubt; the Jury would judge of the intention and of the tumultuous meeting. If any words more strongly tending to bring the government and the constitution into contempt and hatred could be used, he (Mr Benyon) was at a loss to know what those words were. It would, perhaps, be

stated by Mr Pearson, the learned Counsel for the defendant, that the meeting in question was a peaceable meeting for the purpose of petition, but it would be shewn to the Jury that Mr Harrison had expressly disavowed any intention to petition. The right of peaceably meeting together for the purpose of petitioning the Sovereign or the Legislature against grievances, either real or supposed, was the right, the birthright, of Englishmen, and Heaven forbid that he (Mr Benyon) should stand before the Jury to deny that right. There was no impropriety in a peaceable meeting for the purpose of seeking reform in parliament, but the meeting at Stockport had not been a meeting of that character. The language, the conduct, the whole insignia of that meeting, shewed that the purpose was not petition, but intimidation. The conduct of the meeting on the 28th July had been calculated, not for the reform of the British constitution, but for the subversion of it.

John Kenyon Winterbottom, examined by Serjeant Cross, said he was a solicitor in Stockport. He saw a public meeting in the town of Stockport, between one and two o'clock on the 28th July last. He attended in a building (a Sunday-school), near the meeting. The place is called Sandy Brow. He should think there were 4000 or 5000 assembled. He was not so near as to observe whether they were strangers or inhabitants. They were quiet at first. Most of them had sticks, which appeared to have been newly cut from hedges. They were not walking-sticks. The population is upwards of 20,000. There were hustings or a scaffold. Several persons were on the scaffold. Sir Charles was pointed out to him as one; he knew Mr Harrison, and saw him there. He heard Harrison say, "The House of Commons was the people's servants,

that it was as absurd to petition them as it would be for a master to petition his groom for his horse. He said that there was a barrier between the throne and the people, which must be removed either by force from heaven or hell, in order that they might see whether a man or a pig was upon the throne." He thought there was laughter. The expression of derision was general. Harrison said, "The united will of the people was sure to prevail. It was an axiom that could not be confuted. It might be necessary in some cases to petition the House of Lords, who were, by the constitution, placed in a different situation to the House of Commons; but in the present corrupt state of things it was useless, and he would not recommend it."

Thomas Bolton lived in Stockport. Great numbers of the people were townsmen: he saw no unusual sticks: they were not more numerous about the hustings than he should have expected. He stood amongst the crowd, and gained high ground when he could. He saw no chair. The first attention he paid was to Sir Charles: he heard what he said. He made a minute about an hour after, and could state that Sir Charles had said what he had there noted. [He was allowed to read it.] "He was happy in addressing the people of Stockport from Sandy Brow; it was a place consecrated to liberty, by the absence of friends he would have been happy to meet there; and he trusted Sandy Brow would be more famed in history than the field of Waterloo. Was there a peace-officer present, he trusted they came to keep the peace, and not to break it. But was there any of your spies, your note-taking, or black-book gentry, tell your employers, the tools of a Castlereagh and Sidmouth, that I hate them, that I detest them, that I eternally execrate them. He was proud to say, that he was at the taking of the Bas-

tile in France—he should be happy to be at the taking of a Bastille in England." (He saw nothing but the action of speaking with force and energy) "And were all hearts but as firm in the cause as his own, they would soon put an end to the present tyranny and corruption." He heard Mr Harrison, but took no note of it, and now recollected nothing of it.

Joseph Johnson, surveyor at Stockport, gave similar evidence relative to Sir Charles, Mr Harrison, &c. Mr Harrison stood next to Sir Charles, and spoke, and said they wanted to get to the throne in order to see whether there was a pig or a man on it; and if there were 10,000 walls betwixt them, they would blow them up either to heaven or to hell. The expression about the pig, and that of the walls, was received by acclamations.

Thomas Welsh, a clerk to Mr Harrop, in Manchester, said that Mr Harrison had read from a letter that the Deity had intended man for happiness, and provided a sufficiency of all good things to make him so; but as the majority of that meeting was extremely unhappy and miserable, and rendered so by their rulers, the intentions of the Deity had been frustrated, and rebellion against that government became almost a duty. Sir Charles read the resolutions, and put them to the meeting. One of the resolutions was, that Lord Sidmouth had been guilty of high treason. Another was, that a general meeting of delegates should be held at Oldham, or other places, as might be agreed upon. Another resolution was, that a subscription should be entered into to defray the expense of prosecuting his Majesty's ministers. The resolutions were put separately. He did not recollect who read them. All the resolutions were agreed to. Mr Harrison recapitulated the speeches, and said a deputation from the delegates should present their petition to

the throne, and to remove all impediment, for they did not know whether there was a man or pig there. As ministers, Mr Harrison added, had screened themselves with a bill of indemnity, that this meeting do indemnify the speakers, in case any thing scintious had been said. This was carried with cries of "We do, we do"

Mr Pearson said, that it was now his duty to address the Jury on behalf of Sir Charles Wolseley, and on behalf of Sir Charles only. The question before the Jury was not a political question, nor was a political dissertation from him (Mr Pearson) to be expected. In a court of justice, in the sanctuary of the law, the voice of party should be for ever silent; and he conjured the Jury to consider, that, if it was incumbent upon him (the learned counsel) to abstain from obtruding upon the Jury any political discussion, it was still more incumbent upon the Jury to guard their minds from the slightest shade of political bias. The charge of conspiracy, the learned counsel thought, scarce deserved an argument; it had been, by the evidence for the prosecution, completely disproved; and he was only astonished that his learned friend had not long since abandoned that charge, and confessed that his ground had mouldered beneath his feet. A conspiracy, forsooth, between two men who had not been proved to have met until a few moments before the time at which their offence was alleged to have been committed! The whole charge of conspiracy was gone; and it would be wasting the time of the Jury to argue it farther. The other part of the indictment would depend entirely upon the question whether the meeting of the 28th was a legal or an illegal meeting; and to such a question the learned counsel felt assured the Jury could return but one answer. The numbers who at-

tended that meeting were wholly unimportant; and he (the learned counsel) would go at once to the conduct and to the language employed by that meeting. What then were the resolutions which had been passed at that meeting? He (Mr Pearson) would venture to declare, that even from the partial detail of those resolutions which had been given by the witnesses, for the prosecution, nothing would appear by which his client could be affected. Of reform, whatever might be his opinion, he would here say nothing. It was a legitimate topic of discussion. It had formed a material topic of political writers at various periods, ever since the Revolution, and the wisest and best statesmen had endeavoured to effect it. Need he refer to Locke and Bolingbroke, to Fox and Pitt? It was surely too late of the day to make it necessary to argue that reform was a legitimate object of meeting and petitioning. Universal suffrage certainly seemed of all chimerical projects the most chimerical; but still it was not unlawful to discuss it and to petition either House of Parliament, or the Sovereign, or, if the petition was refused, to remonstrate boldly and manfully, but respectfully. Where was the limit to petitioning? Whatever Parliament could grant, the people could petition, and they had a right to give force to their individual opinions by meeting and uniting their wishes. He could not think of wasting their time by remarking upon the absurd evidence that all the people of this great empire were to be assembled at Oldham. That it had been seriously urged for the prosecution was singular in judicial proceedings. It was beyond every thing in real life,—beyond every thing in comic fiction. The wildest of wild romances had nothing like it. The flappers of memory and mathematical carving of meat in *Cutlers' Travels* were not comparable to this; and the



alarm of the inhabitants of the Flying Island, that this earth would be destroyed by the tail of a comet, was as reasonable as any alarm for this wild speculation of a national meeting at Oldham. Say that they were to be delegates who met. He needed not to tell them that that would not be unlawful. Needed he to remind them that a meeting of delegates was held in London, among whom was Dr Jebb, Sir William Jones, Mr Pitt, Mr Fox, the Leinoxes, the Cavendishes, and the Howards? They were not prosecuted by the Attorney-General. Why then should a meeting in Cheshire be thus visited? But such a meeting would not have been illegal. But if they had the *dictum* of a Judge, which they had not, that it was illegal; still, in the present case, it had, according to the evidence, been only proposed. Then there was a subscription proposed for the prosecution of Ministers who had violated the law: but to the law, and the law only, they applied. How could this be a violation of the public peace? Next, as to the conduct of the parties at the meeting, there was nothing illegal in mere numbers. The acts of the last Parliament were a distinct admission that meetings of that kind were legal before. It had been laid down by that upright and impartial Judge, Mr Justice Bayley, that if there were 60,000, it was not, therefore, an unlawful assembly. If a constable was hurt, it was before Sir Charles came; even if it were not, how could he be answerable for that more than for a pickpocket who might steal property in that crowd? Sticks for convenience, or even parade, were not unlawful. If they were held up, so were hats. But in no shape were they connected with his client. As to the cap of liberty and the flag, they were aware that at York, where such things were proved to have existed to a much greater extent, Mr Hunt was acquitted in every

count, similar to what they were trying at present. Here he read the count on which Mr Hunt had been convicted, and called the attention of their Lordships particularly to it. Perhaps the cap of liberty was a bauble unworthy of the attention of men of sense; but the multitude, men as well as children, valued the symbol more than the thing signified—

“Pleased with this bauble still as that before.”

Of the rattles, tittles, rosaries, or garters, mentioned by the poet, were there any more harmless than the cap of liberty, originally emblematical of the manumission of a slave, in England the symbol of liberty? It had been used and abused in France, so had liberty. He could not suppose the constitution of this country could be destroyed like a necromancer's spell, by a breath, a hiss, or a shout. If the meeting was not illegal, the speeches could not make it the meeting described in the indictment. Seditious words might form a substantive crime, but it was not the crime before them. If others used seditious words, Sir Charles Wolseley was answerable only for his own words. Here he felt peculiar difficulty. Sir Charles Wolseley was a person of the highest honour and respectability, and would not separate himself from a fellow-sufferer; but he could not suffer considerations of that kind to influence his conduct as his counsel. Let Mr Harrison deny, or explain, or prove to be an idle joke, the allusion to an illustrious person. Such expressions were improper, disgraceful, indecent, mischievous. But Sir Charles Wolseley was not answerable for every absurd remark made by others. The Bastille, it was evident, and he would prove, had been mentioned only hypothetically; and Sir Charles Wolseley took no greater liberty in this respect than Mr Burke had done on the other side. Sir Charles, in saying that he

would assist in destroying similar buildings, if set up in this country, said no more than every English gentleman felt. Sir Charles Wolseley's fortune was opulent, and affording the elegances and luxuries of life; his family, his rank, his wife and numerous family, proved that he could not be influenced by envy, or desire to throw his property as a prize of some desperate gambler in revolution.—He committed that client, his liberty, his happiness, and the happiness of his family, with most entire confidence, into their hands.

Mr Harrison began to address the Jury with the utmost composure, and with a violently methodistical twang. The first thing he would speak of to them was Mr Marshall's charge to the Grand Jury, as it appeared in the papers. It struck him that it was applied to himself. He knew of no case to which it could apply but his own. This speech, so elaborate and long, was all directed against him, an humble individual as he was. (Here he read a great part of the charge, till he came to the expression that "there were persons destitute of honour, fame, and fortune, who hazarded their lives for desperate purposes.") That there were some bad and desperate adventurers, that hazarded their lives to obtain fame or fortune, he admitted, but he was not among them. He had always proposed to promote and effect reform by legal means. The honourable Baronet could not have been alluded to as the desperate adventurer, destitute of honour, fame, and fortune. Therefore he alone had been alluded to, or the observation was irrelevant. (He then read a passage, in continuation, from the *Chester Chronicle*.) If he should fall, it would be by the violence of his prosecutors; "and if I fall," continued he in a whining tone, "the earth will shake when I fall." If in the heat of argument or discourse he used figures too strong for the oc-

casion, every public speaker did the same. Had he been conscious of having desired, or of having used any means to cause "a sanguinary revolution, he should have stood at the bar, and at once pleaded guilty." When he had looked at that sham document, the indictment, in which he and Sir Charles Wolseley were bound hand and foot, to be thrown—where?—into hell! Here he was most basely traduced and injured. He was determined to vindicate his own innocence.—It might be said, what was his country to him? "Why, gentlemen, it is every thing to me. Should they throw me down, my country will receive me in her arms; should I be separated from the beloved partner of my life, my country will comfort her heart; should I be separated from my dear babes, my country will provide them ten fathers for me alone." This time was the first opportunity afforded to him of vindicating his character, and this opportunity, by the strength of Heaven, he was determined to improve. (He now read further on in the charge to the Grand Jury.) "Early impressions of loyalty and religion must be removed; and this was to be accomplished by the blasphemous speeches of their vagabond orators." Vagabond orators! meaning, no doubt, himself! Witness that Gospel which had been sealed with the blood of Jesus Christ, in the preaching of which he had lived, and in the practice of which he would die, that he had done his utmost to check the progress of vice and irreligion. The Gospel held out to him the hope of a glorious hereafter; it had been the delight of his heart, and it was still the comfort of his soul: "The people have a right to petition for the redress of their grievances; but they must exercise that right in a legal and constitutional manner." And yet for the exercise of that right it was that he now stood in his present trying predi-

cament. Mark the *but*! The people have a right, *but* they must not exert it. They may have as many rights as they please, *but* the moment they seek to exercise them they are forfeited. "Drawing together vast multitudes." Were 5000 too many for such a neighbourhood to assemble on such an occasion? One-fourth part of the population? Would three men be terrified at one? The *terrorem populi* had not been made out by the prosecution. He (Harrison) would not apply to the feelings of the Jury; he scorned to do it. Let the Jury hate him as their most mortal foe, still it was their duty to give a just verdict; he did not ask it, he demanded it. "The law of England abhors the assemblage of great multitudes of people on any pretence." "Abhors!" What was meant by "Abhors?"—"Forbids!" might have had some meaning; but, even then, the same argument would apply to general elections, either for county or city. "Assassination seems to have been one of the crimes by which this horrid conspiracy was to have been accomplished." What was this but an allusion to the Cato-street plot? What, but an attempt to connect him (Harrison) with those foolish, rash—"Here is a gentleman behind won't let me speak"—inconsiderate men? But, be the Jury what they might, they were Englishmen; he loved them; every Englishman was near and dear to his heart. "Pretended Reformers!" the word "pretended" hurt him. If they had been cool, and careless, and tame, and indifferent, at their meetings, they might have been so designated; but when they had done every thing to prove their zeal; when they had shewn that they felt their grievances, and wished to get redress for them; when their exertions in the cause of Reform had subjected them to abuse and to punishment, it was too much to say that they were not in earnest. It was too much—he could not

abide it. [Here the orator stamped emphatically with his foot. He then wiped his forehead, at leisure, with his pocket-handkerchief, and continued.] He was sure that he had not offended the Judge by his remarks; for his Lordship had been looking at him with a pleasant countenance all the while. He (Harrison) would tell the Jury that he held in his hand a help-unhoped for. It was a little book, entitled "Remarks upon the Indictment of Sir Charles Wolseley and Mr Harrison." It was written by Jeremy Bentham, the greatest lawyer in the world. May be the Jury had heard of him; no doubt both their Lordships had. Mr Harrison then went at great length into the work of Mr Bentham, and expatiated, by way of digression, upon the merits of the Edinburgh Review. There was an article in that Review worthy the attention of the Jury. It treated of tumult, the offence of which he (the defendant) was accused. The article was written by another great lawyer, Mr Brougham. Mr Brougham there defended tumult; and proved that it was not for the good of the public that tumultuous meetings should be extinguished. Mr Brougham wished that very crime to continue for which the defendants in the present case were indicted. Not that he (Harrison) liked tumult; he was always a peaceable man. It had been given in evidence, that the defendants had intended to assemble the whole country at Oldham. It appeared then, that the English law punished intentions, fancies, inclinations, thoughts, wishes, and dispositions. If not, the indictment was not founded upon English law. Insurrection had been imputed to them. What was insurrection? It was rising up. Was rising up a crime? Counsel rose up. The Jury must rise up to give their verdict of guilty, which was anticipated. Then they were guilty of a crime.—Mr Harrison had, by this

time, spoken for nearly four hours, and there appeared to be no prospect of a conclusion, when it was hinted to him by his friends, that the course which he was pursuing, was as little likely to produce advantage to himself as entertainment to his audience.—After a few observations further, therefore, he closed his address.

A few witnesses were now called for Sir Charles Wolseley, who did not however prove any thing important.

Mr Benyon replied. The Chief Justice summed up the case, and charged the Jury at great length.

The Jury, after retiring for three quarters of an hour, brought in a verdict of *Guilty* against both defendants.

Application for a new trial was made in the Court of King's Bench, but refused.

On the 16th May, judgment was pronounced. Sir Charles Wolseley was sentenced to eighteen months' imprisonment in Abingdon gaol; at the expiration of that time to enter into sureties for his good behaviour, himself in 1000*l.* and two other persons in 500*l.* each. Mr Harrison to be imprisoned for a term of eighteen months (to be computed from the expiration of his present imprisonment) in the Castle of Chester; and at the expiration of his imprisonment, to enter into securities for his good behaviour during five years, himself in 200*l.* and two other persons in 100*l.* each.

CARTWRIGHT, WOOLLER, AND OTHERS, FOR PROCEEDINGS AT BIRMINGHAM, AND FOR UNLAWFULLY ELECTING SIR CHARLES WOLSELEY AS A REPRESENTATIVE TO THE COMMONS.

[Previous to the trial, considerable exceptions were taken to the manner in which the Jury had been struck,

and which afterwards became the subject of a motion before the Court of King's Bench. At present they were overruled by the Lord Chief Baron.]

Mr BALGUY opened the pleadings. This was an indictment, in the first count, charging the defendants, George Edmonds, Charles Maddocks, John Cartwright, Thomas Jonathan Wooller, and William Greathead Lewis, with being malicious, seditious, and evil-disposed persons, and with unlawfully and maliciously designing, and intending to raise and excite discontent and disaffection in the minds of the king's subjects, and intending to move them to hatred and contempt of the government and constitution as by law established, and of the Commons House of Parliament as by law established, heretofore, to wit, on the 12th of July, 1819, and on divers other days and times, as well before as after, with force and arms, at Birmingham, unlawfully, maliciously, and seditiously, did combine, conspire, and confederate with each other, and with divers other disaffected and ill-disposed persons, for the purposes above mentioned, and unlawfully to nominate, elect, and appoint a person to be the representative of the inhabitants of Birmingham, and to claim admission into the House of Commons as a member thereof, neither they, the said defendants, nor the said other conspirators, nor the inhabitants of Birmingham, being then lawfully authorized to nominate, elect, or appoint any such representative. And that the defendants, and various other persons, in pursuance of the said conspiracy, assembled, to the number of 20,000, for the purpose of hearing divers scandalous, seditious, and inflammatory speeches, resolutions, and writings, concerning the Government and the House of Commons, uttered for the purposes aforesaid.

Mr Serjeant VAUGHAN stated the

case. He sincerely congratulated the Court, after so much time had been lost, on the decision which his Lordship had just pronounced, and he was much gratified in having the honour of addressing so respectable a Jury on the merits of the indictment against the defendants at the bar. Looking at the nature and character of the offence, it appeared to him to be objectionable on two grounds. It was objectionable, inasmuch as the parties who assembled at that meeting attempted to do an act for which they had no legal authority; and because, in the course of their proceedings, most impudent and insolent observations were made on the legislature. Could it be endured that any set of persons should attempt to make an alteration in the constitution of the House of Commons, when it was well known that such a power resided alone in the House of Commons itself? To prove the guilt of such an attempt, it was not necessary to go into the history of earlier times. By the law, as it now stood, it was a direct violation of the king's prerogative, and was therefore an assumption of illegal power. From the earliest period of our history, the king was the only individual who possessed the power of issuing writs, whereby individuals might be called to parliament. That body could meet only under the king's writ; and even the king himself had not now the authority to make that alteration in the representative system which these defendants had contemplated. The king had not the power to issue a writ for a new place, neither had he the power to hold one from a place which at present sent members to parliament. They were apprised that there had been, unhappily, for some time past, a great degree of real distress in the country. That distress, he was sorry to say, had been fomented by the conduct of persons who as-

sembled at public meetings, who infused into the minds of the people the idea that all their distress arose from the misconduct of government, and the corrupt state of the House of Commons. It was quite impossible for any person who remarked at all the signs of the times, not to perceive that the greatest pains were taken to make the people suppose that all their misfortunes were owing to the misconduct of government, and they were stimulated to endeavour, by their own authority, by open force, to change the existing state of things. Birmingham, like other places, was subject to this evil; meetings were held there, at which persons indulged themselves in abusing and reviling the different branches of the state, particularly the Commons House of Parliament; and it was in consequence of some of those meetings that the present question had arisen. On the 3d of July, 1819, a special notification was given by the defendant Edmonds, that a public meeting would be held at Birmingham on the 12th, to take into consideration the best mode of reforming parliament, and at the same time to promote reform in the representation of the state, not only with respect to Birmingham, but with reference to the whole empire. This notification was communicated in the form of an advertisement, signed by seven housekeepers, amongst whom were the two defendants, Edmonds and Maddocks. It would be necessary to shew that what was done was effected in concert and combination by all the parties. He would prove that there was a specific meeting held, at which all the defendants assisted to effect one common object. It was impossible to have passed through life without having heard of Major Cartwright. He was far advanced in years, and was called the venerable champion of reform. He was one of the persons present at the

meeting, although he understood he had no connection with Birmingham, and was quite a stranger there. It was clear, therefore, that he only came to serve a cause to which he was so much attached. There was another gentleman, Mr Wooler, whose name it was almost unnecessary to mention after what they had heard this day. It was not surprising that his talents should attract a considerable portion of popular attention. As far as he understood, Mr Wooler was not connected with Birmingham; but, as he had abilities to promote the cause, he made himself very active there. Maddocks was a pawnbroker residing at Birmingham. Edmonds was a schoolmaster and printer there, and was in the habit of publishing political tracts; and Lewis was also a printer, living at Coventry. Mr Wooler, he should have observed, was editor and printer of a pamphlet called the *Black Dwarf*; and by the agency of these three presses, publicity was given to the sentiments of those who thought like the defendants. He charged that the meeting at Birmingham, on the 12th of July, and of which notice had been given to the Clerk of the Peace on the 3d, was procured by concert and co-operation between these parties. They would find that Major Cartwright took lodgings in Birmingham on the 10th, and that Wooler arrived soon after. Major Cartwright, as the father of reform, was generally waited and attended on, but more particularly by the other defendants. They called on him on the Saturday; they saw him on the Sunday, the meeting being fixed for the following day; and the most intimate communication subsisted between them. They were closeted: and, though, he could not let the Jury into the secrets of their cabinet council, yet there would be no difficulty in satisfying them that they did, at the private meeting held at Major

Cartwright's lodgings, settle the course of proceeding that was to be afterwards acted on. While they were engaged in this private meeting, two flags were brought in, bearing political inscriptions; and he would leave them to say whether those flags were not calculated to assist the object in view, and whether they were not likely to create disaffection in the minds of his Majesty's subjects. One flag was inscribed, "Major Cartwright and the Bill of Rights and Liberty,"—alluding to a bill which appeared to be a great favourite with the Radicals, as they called themselves; and on the other side of the flag they found, naturally enough, the inscription of "The Sovereignty of the People;" for they were going to exercise a very great act of sovereign power—they were proceeding to alter the constitution, and to give it a construction very different from that to which they had long been accustomed. With respect to the other flag, it was on one side inscribed, "Sir C. Wolseley and no Corn Laws." On the other side of this flag was inscribed, "T. J. Wooler, and the Liberty of the Press." There could be no greater blessing to a country, he was ready to admit, than a free press; but every one knew, that though it was a blessing when properly directed, it became the direst curse to a country when it was abused; and they had recently seen it prostituted to the purposes of sedition and immorality. These two flags were first brought to the house in which Major Cartwright lived, and in which the committee—the movers of the whole business, the five defendants on the record, were known to meet. They set out from this house to a place called Newhall-hill, near Birmingham, in a landaulet, accompanied by some music. The hills formed a sort of amphitheatre, which would accommodate a vast number of people, and not less than 60,000 were

present, if they believed the account given by one of the defendants. Major Cartwright, who was somewhat infirm, was lifted out of the carriage and placed on the hustings, which was the rallying point. The defendants, who had previously concerted their proceedings in secret, came to the spot with resolutions ready prepared for the occasion, some of which resolutions he would read. Mr Edmonds, who was denominated "the fearless champion of the people, and the undaunted assertor of their rights," was called to the chair on this occasion, which was to give to Birmingham, for the first time, a representative in Parliament, and to hold out an example to all the other populous districts in the empire. They would recollect, that at the same time a similar meeting was convened at Stockport, another at Manchester, and others in various quarters of the kingdom. Now he conceived that these simultaneous meetings, all for one and the same purpose, and using the same language, proved that the conspiracy was not confined to Birmingham, but that a general intention existed, he could almost say, to overturn the Constitution, but; at all events, to new-model it. Edmonds, being called to the chair, addressed the meeting; and from his speech, which had been published in his own pamphlet, he would read a few extracts. He charged that that speech, as well as the others, were calculated to produce the effect stated on the record—namely, to excite disaffection in the minds of the people, and to bring the Government of the country into hatred and contempt. They did not meet to state opinions that were afterwards to be laid before Parliament for their decision. No, their object was to create an impression out of doors. [The learned Serjeant here read several extracts from Edmonds's speech, in which the de-

fendant spoke with great severity of the corruption of the House of Commons. On these passages the learned Serjeant commented with much force, contending that they were evidently intended to inflame and irritate the passions of the people.] The defendant inveighed against a borough oligarchy, who were deaf to the petition of a million of men, and who had the audacity to suspend the Habeas Corpus Act, and to pass a corn-bill. Was this language fit to be addressed to one of the Houses of Parliament? He had never heard that the House of Commons had treated with disdain the prayers of a million of their fellow-subjects. He was sure such an assertion was not founded in fact. They might reject a petition that was meant to taunt and insult the House, but under no other circumstance did they refuse to receive it. "The effect to be produced was not in the House of Commons, but upon the country and public opinion." Thus spoke the defendant, and here he avowed his sentiments openly. He had no hope, no wish, to reform Parliament: he depended not on that; he looked to the country; and for what purpose? That the people might act on the opinions he entertained, and set about that work which he called reforming the House of Commons, but which was, in fact, subverting it. "It was very difficult," he observed, "to reason upon an abstract question; but the present proceeding supplied a fact. We have been long talking about the right of the people to representation; we are now about to exercise that right. This is doing something." The defendant asked, "Who has drained the country of its circulating medium of gold, to carry on expensive and unnecessary wars? The misrepresentatives of the people."—"There will be laid before you," continued the defendant, "the plans of gentlemen near me—plans

which I am sure will meet with general concurrence." These plans were formed at the lodgings of Major Cartwright, and were brought, ready written, to the hustings. This was a specimen of the conduct of one of the defendants, and that pursued by the others was equally violent. He could not read all their speeches, but he begged their attention to an extract from the address of the defendant Maddocks, by whom the first four resolutions were moved. The 5th, 6th, and 8th resolutions, were moved by Mr Wooler, so that each of the defendants took a share in the labour of the vineyard. Maddocks said, "I consider, sir, the source of all our calamities, and of a great part of those which afflict the world, to be the corrupt state of the representation of the people in Parliament; and every Englishman, who deserves the name, ought to unite, heart and hand, to expose to the world that system under which we are treated like the slaves of the despot of Spain, or those of the Dey of Algiers." This individual also denied the existence of the House of Commons. He spoke of them as a body that did not represent the people, and declared it was a mockery and a delusion to call them the Commons House of Parliament. To fortify this opinion he quoted a speech of Sir F. Burdett, and declared that the corruption of the House had been proved by Major Cartwright, who had shewn that, out of 658 members, no fewer than 637 obtained their seats by open bribery and corruption, or some other illegal means. This defendant also advised the people "to call the House of Commons the Mock Parliament, or the usurpers of the people's rights. Why should they receive any other designation, when they had passed a Corn Law, and suspended the Habeas Corpus Act? Why should those sham Abrahams be called the House of Commons?" Language like this

could be used for no other purpose but to excite disaffection, and incite the people to use external force in order to effect an illegal object. As to the conspiracy, he would show that there was a criminal co-operation, a criminal union, between the parties. If they acted in concert together, the language of one was, in the eye of the law, the language of all; and the speech of Maddocks was as much the speech of Major Cartwright, or of Mr Wooler, as if either of them had spoken it. When it was shewn that such a conspiracy existed, the acts, and speeches, and resolutions of one, became the acts, and speeches, and resolutions of all. He now came to the resolutions, which were equally inflammatory. One of them was—

"That by putting on a new and equitable issue their just and undeniable right to a full enjoyment of the sacred laws, liberties, and free customs of their country, as largely and wholly as they ought to be enjoyed, the said inhabitants of Birmingham will now forthwith proceed to elect one gentleman in whom they can confide as their legislative attorney and representative, in whose person they will try the question of their right of parliamentary representation, and who shall be instructed to claim on their behalf admission into the Commons House, as member thereof; and in the event of his being acknowledged and received as their representative, accordingly then and there to use his utmost endeavours towards obtaining equal and complete justice to the commons of the realm, universally securing to them an annual election of legislative representation, to be elected by ballot."

By the seventh resolution, it was determined—

"That Sir Charles Wolseley, of the county of Stafford, Bart., be elected legislative attorney and representative of the inhabitants of Birmingham,



instructed to claim on their behalf, by letter to the Right Hon. the Speaker of the House of Commons, admission into that House as a member thereof, as well as to communicate on the occasion the present and the foregoing resolve of this meeting, to be by the Speaker laid before the House." 1

Mr Wooler addressed the assembly with considerable talent. He, however, certainly held language which must have had a great tendency to excite the minds of the people to resist the government, and to overthrow the constitution, by the means of external pressure and violence. He spoke of the people as struggling against corruption; and he illustrated his argument by a reference to different parts of our history. "The great did not," he observed, "at a remote period, feel it improper to have recourse to the people, in arms, when they wished to secure the charter of our liberties—when they were determined to extort from the fears of a reluctant monarch those rights which he had usurped." Who could doubt the meaning and intent of this language? "Among the other refinements of the age," continued the defendant, "British gentlemen cannot bear the idea of mixing with the people. What have we allowed ourselves to be reduced to? Did the barons disdain to appear at the head of the people, when the energies of that people were wanted to extort the great charter from King John? Did the individuals who opposed Charles, and hurled him from his throne—did they disdain the assistance of the people?—Why, then, should gentlemen at the present day be ashamed to place themselves at the head of the people to combat corruption? I am sure, when Sir C. Wolsley is at your head, you will not allow him to be removed—where you place him, there you will protect him." Was not this to tell the people that obedience

was no longer a duty, and that resistance became a matter of necessity? On the following day the deputation was formed, and Edmonds and Major Cartwright went in a post-chaise to Sir C. Wolsley, to ask him whether he would undertake the duty of legislative attorney. Here, then, was a complete chain of circumstances; and he asked whether there was not, in all the defendants' proceedings, evident proofs of union, concert, and co-operation, by which they had made themselves obnoxious to the law?

Mr DENMAN spoke in favour of Maddocks and Edmonds. After animadverting on the detail of the evidence, as it applied to the defendants individually, he proceeded to consider the general nature of the offence charged against the parties now at the bar. The alleged offences were, first, that they had met without the King's writ; and, secondly, that, by so doing, they had been guilty of an assumption of sovereign power. Now, he would contend, in opposition to both these objections, that the people had a right to meet without the King's authority, and that, therefore, they had not assumed to themselves any privilege which they did not at that time possess. His learned friend had likewise said, as well as he could recollect the words, which he had taken down at the time, that though he declined entering into the subject of reform, he was ready to admit that, in the silent lapse of time, some abuses might have crept into the constitution; in which he concurred, for he did believe, that, whatever abuses the people might have to complain of, they lived under a constitution which, not only in theory, but in practice, gave a more sure protection to their persons and their property than was given under any other constitution in the world: and he therefore put it boldly to the Jury, whether any subject could be more important

to the inhabitants of England than to preserve their constitution in all its native and original purity? Were they to be told that abuses had crept into it owing to the silent lapse of time, and to be prevented from endeavouring to remedy them? or were they to be told that those abuses were only a slight declension in it, which was not visible unless a spying-glass was brought forward to magnify the decay? Were the abuses of which the people complained only like the cloud, which was the size of a man's hand—or were they like the dark thunder-cloud, which enveloped the whole concave of heaven, and threatened all the ruin and destruction attendant on a mighty tempest? If those abuses were only trifling, then the best men who had lived amongst us, the most wise and illustrious of our judges, the most brave and experienced of our heroes, and almost all who had dignified and exalted our country, had been labouring for years in vain, and had produced no other effect than to bring the constitution into contempt, as was now charged against his two unfortunate clients. They had met, with several others, to consider on the best means of effecting a reform of existing, and a means of preventing future, abuses: and if the people had not been allowed to meet, if they met peaceably, to petition for the removal of existing, and against the advance of future, grievances and evils, he knew nothing of the history of England—or the history of England which he had read was only a wild dream and an idle fallacy. They had that day heard something about the crime of attacking places and pensions: if it were a crime, he asked for the privilege of being considered as one of the first of criminals—it was a crime which he should always be proud to commit, and which could never call up a blush into the cheek of an honest man. But if it were a crime, it was a

crime of which the legislature itself was also guilty,—scarcely a year passed without some measure being enacted to exclude pensioners and placemen from seats in the House of Commons. This question, which was so well supported in 1733, had ever since been the watch-word for the motions which were almost annually made on the subject of parliamentary reform. To the want of that reform, and to the corruption of the House of Commons as at present constituted, all the evils under which the country had been long labouring had been attributed; and that, too, not by wild enthusiasts or idle speculators, but by the great Lord Chatham, the great Lord Camden, and even by William Pitt, the greatest enemy of reform. Wherever abuses existed, the subject had a right to petition against them; and if his clients had, in discussing those abuses, called the House of Commons corrupt, they had only attached to it that epithet which Mr Pitt himself, and others equally illustrious, had confessed that it richly deserved; and he therefore could not help impressing on the minds of the Jury, that they ought not to punish his clients for only doing that which the greatest men in the country had done before them. He had before told them that the people of England had a right, at the time when this meeting was held, to assemble, if they assembled peaceably; and the real question, therefore, for them to decide, was, whether the meeting was peaceable or not. They had not heard a word said in his learned friend's opening speech of any riot, of any intimidation, of any force, of any violence; they had not heard a word of the kind said by any of the evidence, but quite the reverse—there was not even a common count for a riot in any part of the indictment. But in the great case of the *King v. Hunt*, which was lately tried at York, the

parties were all tried for crimes of which not one occurred in the present indictment. At Manchester there were many flags, with different devices; here there are only two, which had been mentioned with an uncharitableness of inference which he had not expected from his learned friend. They ought not to have had on them "The Bill of Rights and Liberties?" What! was it become a crime to talk of rights and liberties?—had we so far degenerated from all the noble spirit which animated our forefathers, that we were no longer to boast of the Bill of Rights and Liberties?—had we so far forgotten all their principles as to forget that it was the seal which the illustrious William set upon our great deliverance? Then, too, "the sovereignty of the people" was to be attacked. The sovereignty of the people!—Why, it is a doctrine that we all profess—we all allow that the people are the sole legitimate source of power; and the power which does not emanate from, and rest upon it, ought to be destroyed. But here was no proof that this meeting had any intention or any wish to subvert the present constitution of the country; every proceeding which it had taken had a reference to the continuance and maintenance of the House of Commons. Did their resolutions prove that they intended Sir C. Wolesley should attempt to intimidate the House of Commons, and force himself into a seat upon its benches?—Quite the reverse. He was to write to the Speaker, and to ask for admission; if he was elected, he was to support Major Cartwright's bill; but if he was excluded, he was to request some other member of parliament to lay it before the House. With regard to the election of a legislative attorney, he must say, after all the serious consideration which he had given to this subject, that he could not conceive what had induced his Majesty's Attorney-Gen-

ral to proceed against a quiet meeting for going through the farce of electing one. If such proceedings were to be put down, the Mayor of Garratt, Sir Geoffrey Dunstan, who is elected annually mayor of that ancient borough, because he promises to establish there a manufacture of asparagus, must also be indicted, as he is chosen without any King's writ being issued for his election. So, too, in the borough of Eye, in Suffolk, where two members of parliament are annually chosen by the burgesses; but their election, unlike this at Birmingham, has always been conducted without any watchman, or indeed any Attorney-General, taking notice of it. They had been told that the proceeding at Birmingham was quite unparalleled; he had shewn that it was not so; and they must therefore be upon the watch to discover in what manner the Attorney-General would proceed against the electors of the two places which he had just mentioned, and whether he would attack those of them that engaged in these ludicrous undertakings. He begged them to consider the vast importance of the case. If they gave a verdict against his clients, they would deprive the country of any opportunity of discussing the abuses under which it either did now or might hereafter suffer. The purity of the representation was of indescribable importance, and a charge so vague and ill-defined had never been previously brought before the consideration of a jury; and if, by any construction of misdemeanour, they were to bring the subjects of the land under pains and penalties—if, when there was no express act of parliament defining the nature of the crime, they were to render them liable to arbitrary fine and imprisonment, they would be establishing a new era in British jurisprudence. There were facts in this case which convinced him that the government

had a point in view which had not hitherto been discovered—he meant the establishment of the doctrine of constructive misdemeanour. He exhorted them most impressively not to lend themselves to the introduction of such a system. Constructive treason appeared most horrible to the mind of an Englishman; but constructive misdemeanour, if once established, would be infinitely more dangerous. Whenever constructive treason was attempted to be established, an Englishman would feel that a stab was made at his own liberties; but the evils of constructive misdemeanours were not so apparent. The punishment awarded to them, when established, many would say, was only imprisonment—was only a separation from a man's family—was only a partial loss of his comforts—was only the ruin of his business; or, if it were a fine, was only a sum of money, which his friends might make up for him. There could not be a more fatal mistake: if they allowed power to obtain that advantage, it would soon expand itself to higher crimes; and whenever government wished to get rid of an obnoxious individual, they would only have to bring a charge of conspiracy against him. What had the defendants been doing? They met without the King's writ—that was no crime. If they had said that they had the King's writ, and so imposed a member upon the House of Commons, they would have been guilty of a most infamous fraud; but they had no intention of doing any thing like that. They meant to give a strong indication of what Manchester and Birmingham wanted, and which, if they had, he, for one, believed would tend more to the discontinuance of the riotous mobs which sometimes disgraced those towns than any other measure whatsoever.

Mr Hill spoke in favour of Major Cartwright.

On the following day, (August 4,) Mr Wooler, for himself, addressed the Court in a speech of three hours and a quarter, of which we can only insert some of the most prominent passages. He challenged the learned Serjeant—and he knew no man was better acquainted with the law than the learned Serjeant was—to point out any statute, or any part of a statute, which, by implication, or by insinuation, could lead the people to suppose that the meetings which they had been in the habit of attending were illegal. It was the right of every man to hold whatsoever political opinions he pleased, and to lay them before the public for their ultimate decision. It was not sufficient, as the learned Serjeant had asserted, that individuals should be at liberty to maintain what he termed innocent and harmless opinions. Their rights and liberties could be traced to a higher and nobler source, and those rights and liberties entitled them to hold whatsoever opinions they thought proper. If he stated a political opinion, any person who pleased might attack it for its absurdity or its unsoundness; that was a matter of which posterity were to judge. But the person condemning that opinion had no right to go further and say, "You are an evil, malicious, and ill-disposed person," because he thought in a particular manner on a particular subject. The earliest information which the people received of there being anything wrong or illegal in their assembling together, was derived from the London papers in August last. That information appeared in the shape of a proclamation, which he would read to them. The proclamation began by stating, "Whereas, for some time past, large bodies of people have been illegally assembled together, and at such meetings endeavours have been made, by treasonable speeches, to bring the

government of this country into hatred and contempt." This was the first sentence of a proclamation coming from the highest authority in the country; and he would maintain that a more libellous attack on the crown and on the government never issued from what was termed "the seditious press." Here it was stated, that the present careful and vigilant administration knew that seditious and treasonable speeches had, for a considerable time, been addressed to the passions of the people, and yet they never once thought of acting on that knowledge. Were they not here libelling themselves? Were they not accusing themselves of a gross dereliction of duty, in allowing such treasonable and seditious expressions to be used, without endeavouring to bring the offenders to justice? The proclamation went on thus—"And at one of the said meetings, the individuals assembled did attempt to constitute and appoint a person there nominated to sit, in their name and behalf, in the Commons House of Parliament, contrary to law." Now, the conscientious advisers of his Majesty ought, in justice, to point out what law was violated on the occasion alluded to, but, notwithstanding all the clamour that had been made about the law of the case, the learned Serjeant had not introduced to their notice a single statute, or even the shadow of a statute, that prohibited such meetings. He would now call the attention of the Jury to the indictment, and he thought the courts of law ought to be ashamed when they saw such a contemptible string of words crowded together, without sense or meaning, merely to puzzle the understanding. It was a matter sufficient to excite a man's indignation, when he considered the contemptible and ridiculous heap of nonsense by which such prosecutions were introduced to

the Court. It made one wonder that the law should give the learned Serjeant the power or the audacity to call on a jury to find him and his fellow-defendants guilty of all the crimes contained in this string of absurdity and nonsense. By the law of England, every charge ought to be clear and specific; but the learned Serjeant could not point out any thing like law, not even the presumption of law, except it was his own presumption of the law, that could bear him out in making this multitude of vague accusations. To read the indictment would be a total waste of time—to comprehend it was utterly impossible. The learned Serjeant had told them that the highest class of misdemeanour consisted in the endeavour to excite disaffection in the minds of the people against the government, and this, he contended, had been done by attacking the integrity of the House of Commons. The integrity of the House of Commons consisted in its pure connexion with the people—in its justice to the interests of the people—in its exercise of its controlling power over every species of public corruption. Who had attacked that integrity? Was the sale of seats at Barnstable, Grampound, and Penryn, any part of that integrity? Was the barter of a seat, for a writership by Lord Castlereagh, any part of that integrity? Was that act a part of the integrity of the House of Commons, at which the late Speaker, Mr Abbot, said, "our ancestors would have started with indignation," and which a minister of the Crown defended on the principle of the notoriety of the thing? Were those who complained of such corruptions attacking the integrity of the House of Commons? If complaining of such a state of things was exciting disaffection, it was, as Mr Denman had well said, exciting it against that which must

inevitably excite it. No attack was made on the integrity of the House—no attack was made on the third branch of the legislature, nor on its controlling power, nor on the general power which it possessed to form laws for the people; but it was directed against corrupt acts, which rendered the exercise of those powers a usurpation. The learned Serjeant had not, he thought, treated the reformers fairly. Let him point out how and where they had erred. Let him not shoot his arrow in the dark, and say he had struck the deer, when he had not touched it.—No; let him come forward, with his target of law before him, and trace the acts of the reformers, and point out where they have behaved criminally. Had there been any indication of an attempt to force the House of Commons to admit Sir C. Wolseley, then there would be ground for supposing that a seditious conspiracy existed. But what said the resolution?—It declared that the people of Birmingham had a right to be represented. How—with force? No; by sending Sir C. Wolseley. And unless Sir Charles was a Guy of Warwick, capable, by himself, of turning out 658 members by the shoulders, as Mr Hobhouse said, his election amounted to nothing. He was requested to write a letter to the Speaker; and although he knew Sir Charles had considerable talents—sufficient, at least, to enable him to draw up such a letter—it was impossible for him to write one that would force the House to admit him to take a seat. What was done was done merely to try the right. In the same way a man might make a claim to an estate. If he established it, the estate became his; if he could not, he must, of course, withdraw it; but it would be very unjust if the unsuccessful claimant were indicted for a conspiracy to injure the person in possession, be-

cause he exhibited a claim which he conceived to be just. Almost every session, persons who had been seated in the House of Commons were removed by the decision of the committees to whom election-petitions were referred. What was this but a trial of right? He recollected one case, where four members were returned for the same borough. Now there must have been a conspiracy amongst the electors to return two of these persons. But the House said:—“No; those people were merely mistaken in what they have done.” Why may not the people of Birmingham say, with equal propriety, “We are not conspirators; we also were mistaken with respect to the right?” But he contended that they had not mistaken their right. They had a right to be represented, and to state their opinions fairly on the subject. The people of Birmingham had before petitioned the House of Commons, and their petitions were laid on the table unnoticed. They, with reluctance, proposed to petition again, and they took every means to act legally, and their complaint, remonstrance, and petition, were now on the table of the House. But, notwithstanding that circumstance, those who drew up and assented to the matter of that document were now called seditious and disaffected. He doubted much whether, in the present proceeding, this Court was not infringing on the privileges of the House of Commons, because, if any offence were committed, it was committed against the privileges of that House, and not against the law of the land. Therefore, the authorities in the Court were liable to be committed for a contempt of those privileges, in daring to try the cause. But the people of Birmingham had not committed any breach of those privileges. They had not called Sir C. Wolseley

a member of parliament—no, they made him their representative, as they were competent to do, for a variety of purposes. Were not the delegates of 1793, who took up the great case of reform, and to whom definite duties were entrusted—were not they representatives? Sir Charles Wolsley was called “legislatorial attorney.” Were members of parliament so denominated? If they were, it was a very new designation. They ~~could~~ not elect him to a seat in the House, but merely appointed him to ask for that which they conceived to be their due. The learned Serjeant had informed him, that a conspiracy to affect “a legal purpose” was odious in the eye of the law. A conspiracy against the state was undoubtedly a crime, because it threatened mischief to the state; but to conspire to serve the state could not be criminal. To constitute a conspiracy, it should have a tendency to oppose or subvert some law, with the knowledge of the persons concerned. That was the legal and rational acceptance of the word. If men united together to do acts mischievous and prejudicial to others, that constituted conspiracy; and therefore he inferred, that such an offence could not, from the evidence, be fairly imputed to the defendants. He proceeded to expatiate on the mottos that were inscribed on the flags. The first was, “Major Cartwright, and the Bill of Rights and Liberties.” After paying a high compliment to the Major’s character, he argued, that any man had a right, if he pleased, to inscribe his name on the collar of his dog, or to paint it on his door; and he conceived, when the learned Serjeant adverted to the Major’s Bill of Rights, that he ought to have pointed out some defect in it—he ought to have shewn that it contained some poisonous principle that rendered it dangerous. The next in-

scription was, “The Sovereignty of the People.” Did not the learned Serjeant know that this was the standing toast of the Whigs? Had he not heard that it was proposed at their dinners, even antecedently to the health of the King? If the people were the source of power—if they were the basis of authority—if they were so recognised by the greatest characters this country ever produced, why should it be considered improper for them to re-echo the sentiments of their leaders, and to inscribe it on a banner? The English people had frequently exercised the rights of sovereignty. Who gave to King William the Crown? who placed the dynasty of the Brunswick Family on the throne? who fought their battles, and supported their claims?—The people. Did they not act, on those occasions, not only as the possessors of sovereign authority, but as the dispensers of power? The third inscription was, “Sir C. Wolsley, and no Corn-Laws.” What was their impropriety in this inscription? Was it not known that the manufacturing interest, and various other interests, disliked that measure? It did not follow that those who marched under this banner would go to the House of Commons, and compel them to repeal this law. No such thing; but, whether they were right or wrong, they were justified in expressing their dissatisfaction at the measure. The last inscription was, “T. J. Wooler, and the Liberty of the Press.” In descanting on this motto, Mr Wooler strenuously repelled the insinuation that he was one of those who abused the liberty of the press. If the Attorney-General were present, and denied the truth of this statement, he would say, that he wrote his own unworthiness. If he had abused the liberty of the press, he was not concealed, but was amenable to the law. Two prosecutions

had been instituted against him; on one he received a verdict of acquittal, and on the other a special verdict was returned, which was much more gratifying to his feelings. That verdict was, "Guilty, if truth be a libel by the law of the land." Guilty of telling the truth! Could any thing more honourable be said of him? could a more flattering epitaph be placed on his tomb-stone? He was, before the public, a mark too conspicuous to be neglected or overlooked if he abused the liberty of the press. He wrote strongly, because he felt strongly; but he would cease to write, if any individual could convict him of dealing in private slander, or of publishing opinions which he did not conscientiously hold. The Jury were now about to try a right which they might themselves be shortly called on to exercise. He besought them to recollect that they

were the guardians of the rights and privileges of Englishmen, and that on their verdict depended the security of all they held dear.

Mr C. Pearson read an address by Major Cartwright in his own defence, which occupied four hours and a half.

Mr Lewis spoke in his own defence.

Mr Vaughan replied.

The Lord Chief Baron summed up, and charged the Jury, who, after retiring for twenty minutes, brought in a verdict of *Guilty, against all the defendants.*

Bills of exceptions were taken against the manner in which the Jury had been struck, and were argued in the Court of King's Bench; but as the decision upon them was not given during the present year, we shall reserve till next Volume our report of the proceedings.

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## TRIAL OF THE SCOTTISH INSURGENTS MADE PRISONERS AT BONNYMUIR.

STIRLING, 23d June, 1820.

As cases of treason are tried by English law, and cannot be brought before the ordinary Scottish Courts, a Special Commission was appointed by the crown, consisting of all the members of the Scottish Court of Justiciary, with the addition of Sir Samuel Shepherd, Chief Baron of Exchequer, and Mr Adam, Lord Commissioner of the Jury Court.

According to English law, it was necessary, that the indictment should be submitted to a Grand Jury; and as this body, as well as trial for treason, was new to Scotland, the LORD PRESIDENT, on the Jury being impanelled,

delivered to them a CHARGE, illustrative of their duties, and of the law of treason. The following are the principal heads:—

Trials for treason have been of very rare occurrence in this country. Not that we have been without materials in Scotland; for the two rebellions in 1715 and 1745 furnished a numerous list of traitors; but, by special statutes, the trials then all took place in England.

The cases of Watt and Downie, in 1794, are, I believe, the only trials for treason which have taken place in Scotland since the Union.



You know, Gentlemen, that, by the treaty of Union between this country and England, in 1707, it was most anxiously stipulated and provided, on the part of Scotland, that our municipal laws should be preserved entire. But, at the same time, as we were thereafter to become one people,—united under the same legislature,—governed by the same sovereign,—receiving from him the same protection, and, therefore, owing to him the same allegiance,—it was foreseen, that some provision must be made for regulating that allegiance, and for punishing the breach of it. It was therefore declared, by the same article of the treaty of Union which saved our civil institutions entire, “That the laws which concern public right, policy, and civil government, may be made the same throughout the whole united kingdom.”

In regard to the law of treason, this might have been done in three ways : either by compounding and digesting the treason-laws of both countries into a new code, to be common to both ; or, by declaring, that the treason-law of Scotland should be the law of the united kingdom ; or, that the treason-law of England should also govern Scotland

The last mode was adopted, and wisely adopted ; and, therefore, immediately after the Union, the act of 7th Queen Anne, cap. 21. was passed, by which it was enacted in substance, that the law of England, in regard both to the crime of treason, and misprision of treason, and to the form of trial for them, should, in future, be the law of Scotland as to treason, or misprision of treason, committed against the common sovereign.

Gentlemen, as to the form of trial, Scotland did not gain much by this change, for we already had a most admirable form of trial ; by which every prisoner, accused of ordinary crimes,

has as great advantages as the law of England indulges to persons accused of high treason.

By the law of Scotland, you know, that every prisoner must have a copy of his indictment, with a list of the jury and witnesses, fifteen days before his trial ; and he is entitled to counsel to assist him in his defence, both on the fact and the law

By the law of England, it is only in the case of treason that a prisoner is entitled to a copy of his indictment, and a list of the jury and witnesses, and that, too, only ten days before his trial ; and it is a curious circumstance, that this indulgence, which we, in Scotland, consider as essential to a fair trial, one of the ablest, and most upright, humane, and constitutional Judges that ever sat on the bench in England, considers as of very doubtful expediency

But then, Gentlemen, by the law of England it is farther provided, that no man shall be indicted for the crime of treason, except on a bill found against him by a Grand Jury ; and that the prisoner, when afterwards put on his trial, shall have right to challenge a certain number of the Jury, without assigning any reason for it ;—privileges, these, of no great moment in the case of ordinary crimes between man and man, but which may be considered as of considerable importance, in the case of crimes committed in breach of the allegiance due from the subject to the sovereign.”

The learned judge, after illustrating, according to the statute of Edward III the first branch ; which consists in compassing or imagining the death of the King, proceeded to the second, which had the most direct bearing on the subject in question.

By the act of Edward the Third, it is declared to be treason, “If a man do levy war against our Lord the King in this realm.”

This has been considerably extended by the late act, already mentioned, of the thirty sixth, George the Third, by which it is declared to be treason, "To compass, imagine, invent, devise, or intend to levy war against the King, within this realm, in order, by force or constraint, to compel him to change his measures and counsels, or in order to put any force or constraint upon, or overawe both or either House of Parliament."

By these acts you will perceive, 1<sup>mo</sup>, That it is not only treason actually to levy war against the King; but, 2<sup>do</sup>, Also, as in the case of his life, it is treason even to compass or imagine, invent, devise, or intend the levying of war against him, provided the object be, either to compel the King to change his measures, or to overawe or constrain either House of Parliament.

It is only necessary, therefore, to consider what is to be held a levying of war, the actual raising of which, under the act of Edward the Third, or the compassing and imagining it, under the act of George the Third, will constitute treason.

Now, all our writers and lawyers agree, that, in order to constitute this species of treason, it is not necessary that the people so levying war should appear in the shape of regular troops, divided into battalions, and regularly clothed, armed, and disciplined. Rebellion and insurrection, from the very nature of the case, can seldom assume such appearance at first, though a little success may soon enable them to assume all the array and discipline of regular armies. Of this we had a memorable example in our rebellion in 1745. When Prince Charles, commonly called the Pretender, landed in the west, he was for some time joined only by a few half-armed and half-naked Highlanders; and yet there can be no doubt, that he and his associates

were as much guilty of treason the first day he raised his standard at the head of Lochshiel, as when he gained the victory at Prestonpans, and was thereby enabled to arm and clothe his followers, and give them more the appearance of a regular army.

Therefore, Gentlemen, however ill arranged, however ill disciplined or armed the people may be, there is no doubt that every rising or insurrection, for the purpose of effecting, by force or numbers, any innovation of a public nature, or to redress any public grievance, real or imaginary, things which can only be lawfully and constitutionally accomplished by the King's authority, or that of Parliament, is treason, as an actual levying of war; and consequently to compass or imagine such a rising or insurrection for such purposes, will be to compass and imagine the levying of war against the King under the late statute.

What overt acts will be sufficient to indicate such traitorous intention to levy war, it is almost impossible to define, for they may be infinitely various. But in cases where the insurrection has not actually broke out, the overt acts most likely to happen, are meetings and consultations about the intended insurrection, and the means of promoting it—instigating or overawing others to join, by private threats and arguments, or by open proclamation—associations and agreements for that purpose—making or providing arms or ammunition of whatever kind, intended to be used in the insurrection. All these, and similar matters, are held to be competent overt acts, to prove the compassing and imagining the levying of the war to which they apply.

Gentlemen, it may be useful to say a few words on the distinction between levying war against the King, and committing a riot. The distinction seems to consist in this, although they

may often run very nearly into each other.

Where the rising or tumult is merely to accomplish some private purpose, interesting only to those engaged in it, and not resisting or calling in question the King's authority or prerogative, then the tumult, however numerous or outrageous the mob may be, is held only to be a riot; for example, suppose a mob to rise, and even by force of arms to break into a particular prison, and rescue certain persons therein confined; or to oblige the magistrates to set them at liberty; or to lower the price of provisions in a certain market; or to tear down certain inclosures, which they conceive to encroach on the town's common. All such acts, though severely punishable, and though they may be resisted by force, do not amount to treason. Nothing is pointed against either the person or authority of the King. For this reason, after the most mature consideration, the outrageous proceedings of the mob of Edinburgh, in the affair of Porteous, were held not to amount to treason, and the few persons who were tried, were tried only as for riot; because, although there was in that case an interference with the royal prerogative of mercy, yet, as it was only directed against the exercise of it in that individual case, and did not in any degree go to impeach or resist his Majesty's general exercise of it in other cases, it was determined to proceed against those accused only as for riot, and not as for treason.

But, Gentlemen, wherever the rising or insurrection has for its object a general purpose, not confined to the peculiar views and interests of the persons concerned in it, but common to the whole community, and striking directly against the King's authority, or that of Parliament, then it assumes the character of treason. For example, if mobs were to rise in different

parts of the country, to throw open all inclosures, and to resist the execution of the law regarding inclosures wheresoever attempted; to pull down all prisons or courts of justice; to resist all revenue officers in the collecting of all or any of the taxes; in short, all risings to accomplish a general purpose, or to hinder a general measure, which by law can only be authorised or prohibited by authority of the King or Parliament, amount to levying of war against the King, and have always been tried and punished as treason.

It is, therefore, not the numbers concerned, nor the force employed by the people rising in arms, but the object which they have in view that determines the character of the crime, and will make it either riot or treason, according as that object is of a public and general, or private and local nature.

Gentlemen, it is also proper that I should take notice of one species of overt act, which has created more difficulty than any other, and as to which, in former times, some decisions were given which are now universally held to be against law—I mean, Words and Writings.

As to these the law seems now to be settled, that mere words spoken, however wicked and abominable, if they do not relate to any act or design then actually on foot against the life of the King, or the levying of war against him, and in the contemplation of the speaker, do not amount to treason, though they may be otherwise severely punished; for example, if a man were openly to declare in so many words, that the King ought to be killed, and that it would be meritorious to do so.

This would be a great crime and severely punishable, but it would not be treason, unless it were proved that the man had in contemplation some

plot, either of his own or of others, then actually in progress for that purpose. But words spoken in consultation or debate with others, as to killing the King by any particular means, or at any given time or place, these unquestionably amount to an overt act of treason.

The same may be nearly laid down as to writings. A treatise to prove that all kings are tyrants, and therefore ought to be killed, especially if never divulged or published, does not amount to treason; and, therefore, the decision in the case of Algernon Sidney is now held to be against law; for, in that case, certain papers found in his private desk, and unpublished, were laid as a substantive overt act of treason.

On the other hand, all writings, though unpublished, and much more if they have been published, will amount to an overt act of treason, if they are in furtherance of any treasonable measure then in actual preparation. Thus it was held in the case of Lord Preston, that letters and papers containing the detail of a plan of an invasion by the French, might be laid and read as evidence of an overt act of compassing and imagining the King's death, though they were never proved to have been communicated to the enemy.

So the writing or printing, or causing to be written or printed, any proclamations, not recommending rebellion and insurrection generally, but exciting the people to rise at a particular time and place for a general purpose, is unquestionably an overt act of treason, under one or both of the branches of the above acts, according as the proclamation may be worded.

And, Gentlemen, I need scarcely add, to persons of your education and knowledge, that all persons concerned in distributing, posting, or placarding such proclamations, if aware of the contents of them, are equally guilty of treason, as the authors or printers; in-

deed, in so far as dangerous consequences go, they are more guilty; for such proclamations would produce but very limited mischief, if persons were not found to give them publicity and circulation.

It is now proper for me to add, what, however, is probably known to you all, that in treason there are no accessaries. All who become partakers in the traitorous project, whether at an early or a late stage of it, whether as leaders or followers, whether they engage for the whole plot, or only to execute a particular part of it, are guilty of treason, provided that the part which they do undertake relates strictly and properly to the forwarding and accomplishing the grand object in view by the rest of the conspirators.

His Lordship concluded by some instructions peculiarly applicable to the proceedings of the Grand Jury

The Grand Jury having examined the evidence laid before them, brought in a true bill against the following persons:

Thomas McCulloch,  
Andrew Hardie,  
Benjamin Moir,  
Allan Murchie,  
Alexander Latimer,  
Alexander Johnston,  
Andrew White,  
David Thomson,  
James Wright,  
William Clackson, otherwise called  
Wilham Clarkson,  
Thomas Pike, otherwise called Thomas Pink,  
Robert Gray,  
James Clelland,  
Alexander Hart,  
John Baird,  
John Barr,  
William Smith,  
Thomas McFarlane.

TRIAL OF ANDREW HARDIE.

Thursday, 6th July, 1820.

The Court met, and the Jury being impannelled, the indictment was read.

Mr Cullen objected to that part of the indictment, which states the offence to have been committed *at the parish of Falkirk*, urging that the *vill, or town*, of which there are many in this populous parish, ought to have been specified—but the explanation of Mr Serjeant Hullock shewed that this was entirely conformable to practice; and that in the only instance in which the objection was made, it had been overruled! The objection was withdrawn.

Mr Jeffrey, the prisoner's counsel, objected to the right of Serjeant Hullock to plead, and to the qualification of the Sheriff to strike the Jury. After a very learned argument, both those objections were overruled, the Lord President observing that to judge by the abilities now displayed, the panels were in no danger of suffering by the want of an English counsel.

The indictment was opened by Mr Hope

The LORD ADVOCAT ROSE, and, after having given a view of the law of treason nearly similar to that already given by the Lord President, proceeded to state an outline of the facts which were to appear in evidence

Gentlemen, in stating the facts of the case, it will not be necessary for me to go back far previous to the occurrences which took place upon the 5th of April last. It is, however, fit that I should notice, that betwixt the night of Saturday, the first of April, and Sunday morning, the second, there was posted up, all over the town of Glasgow, and in various parts of the adjoining country, an Address to the inhabitants of the united kingdom, containing matters of the most treasonable nature,—an Address which no doubt many of you have heard. It is quoted at length in the indictment, and a copy will be laid before you in evidence; it is long, and I will not go

through the whole of it; but I shall quote one or two parts of it, as shewing the treason which this indictment charges. It is stated to be, “An Address to the Inhabitants of Great Britain and Ireland;” and commences thus: “Friends and Countrymen, roused from the torpid state in which we have been sunk for many years, we are at length compelled, from the extremity of our sufferings, and the contempt heaped upon our petitions for redress, to assert our rights at the hazard of our lives, and proclaim to the world the real motives which (if not misrepresented by designing men, would have united all ranks,) have reduced us to take up arms for our common grievances.” It then goes on to detail the various reasons which have led these persons to this result; and then proceeds to call upon the soldiery to abjure their allegiance:—“Soldiers! shall you, countrymen, bound by the sacred obligation of an oath to defend your country and your King from enemies, whether foreign or domestic, plunge your bayonets into the bosoms of fathers and brothers, and at once sacrifice at the shrine of military despotism to the unrelenting orders of a cruel faction, those feelings which you hold in common with the rest of mankind?” It then directs them to turn their attention to Spain; and after going on in the same strain, it proceeds thus:—“We earnestly request of all to desist from their labour from and after this day, the 1st of April, and attend wholly to the recovery of their rights, and consider it as the duty of every man not to recommence until he is in possession of those rights which distinguishes the freeman from the slave, viz. that of giving consent to the laws by which he is to be governed. We therefore recommend to the proprietors of public works, and all others, to stop the one, and shut up the other, until order is restored, as we will be

accountable for no damages which may be sustained, and which, after this public intimation, they can have no claim to. And we hereby give notice to all those who shall be found carrying arms against those who intend to regenerate their country, and restore its inhabitants to their native dignity, we shall consider them as traitors to their country, and enemies to their King, and treat them as such. By order of the Committee of Organization for forming a Provisional Government." Gentlemen, you will have an opportunity of considering the nature and terms of this extraordinary manifesto, exhibited in Great Britain by persons describing themselves "The Committee of Organization for forming a Provisional Government," and holding out a determination to take up arms against the constituted laws of the land, and calling on persons to give obedience to their orders—to call justices of the peace to assist them—and giving every possible direction that could lead to or excite insurrection and rebellion.

This was the manifesto exhibited in the town of Glasgow; and it is necessary I should connect the individual at the bar with this document, though I may first state the effect produced by its publication, namely, that though previous to that time the inhabitants of Glasgow were quietly employed in their occupations, and all the manufactories at work, yet the consequence of that manifesto was, that upon the Monday, the whole of the manufactories, with the exception of one or two, were stopped; and I believe there was hardly a weaver that did not shut up his house and remain idle for a considerable time. The population of that great city assembled in the streets, where they formed themselves into columns, and marched with the military step. The shops were closed and business generally stopt. In short, Glasgow presented a scene which you will

hear described in evidence, and which, having personally witnessed, I can safely say, was sufficient to excite serious alarm in the minds of every individual.

Gentlemen, it will be proved, that upon Sunday, the 2d of April, a magistrate belonging to that county and city, knowing that this Address had been posted up in Glasgow, thought it his duty, as well became him, early in the morning to go abroad, and, if possible, to take means to remove this inflammatory production; and in taking that measure, you will, no doubt, think with me, that his conduct was highly praiseworthy. He accordingly went to a street in Glasgow, I believe part of Duke Street, where he found upwards of thirty persons assembled round a watch-box where this Address was posted up, one of the individuals being employed in reading aloud the terms of the Address.

Gentlemen, Mr Hardie, the justice of the peace to whom I have alluded, immediately thought it his duty to attempt to take down this treasonable Address, and accordingly he made an effort, but in doing so he was seized by this prisoner at your bar, who took him by the middle, and threw him into the street. Mr Hardie then stated that he was a magistrate, that there might be no misunderstanding as to his character. In answer, they called on him to shew his authority, as if it could be supposed a magistrate carried the commission of the peace about with him, or could be required to produce it. Notwithstanding he thus declared he was a magistrate, and although he was known as such to many of the persons present, he was resisted by violence to that degree, that for his own personal safety he was obliged to leave the spot, the address remaining posted up as it was before. These circumstances seem very material in the present case, as connected with the foresaid Address;

they prove the prisoner's knowledge of the contents; perhaps more, for I apprehend that a person who resists the removal of such an Address, is as accessory to its publication as the person who puts it up.

Now, Gentlemen, having thus commenced upon the Sunday with a knowledge of this Address, the next place where we find this individual is, upon the evening of Tuesday, at a meeting of persons designing themselves radicals, at a place called Gadshill, in the neighbourhood of Glasgow; to this spot this individual repairs, according to his statement of it, about ten o'clock on the evening of Tuesday, the night in which it was generally believed there was to be a rising of the people all around the country. It will be proved to you further, Gentlemen, that this individual believed there was such a rising;—nay, that he understood there was a rising all over England; that England was up, and that the mail coaches were next morning to be stopped. These facts will be proved to you in a manner which will leave no dispute of their truth.

Now, under these impressions, this individual, according to his own statement, proceeds at ten o'clock at night to this meeting in the neighbourhood of Glasgow. What passed at that meeting, I believe will not appear in evidence before you; but after this meeting had been collected for two hours, at twelve o'clock at night a party of it, consisting of from thirty to forty, marched off, armed; I do not say all armed with regular arms, but all armed with guns or pikes, or other weapons; and in particular, this prisoner, Hardie, marched off at that time, and there is reason to believe he was the leader and conductor of that marching. This is the reason we have singled him out as the person to be first tried. He was armed with a musket, and the purpose of that marching

will be explained by the prisoner's own words—it was to join others who were expected to come to Glasgow, in order by force of arms to take possession of that city, and thereby to do all in their power to overturn the government of the country.

Gentlemen, having thus marched off, the first place to which they repaired was a village of the name of Condorrat, in the county of Dumbarton; they arrived there, and met a great many other individuals, several of whom will be proved to be now at your bar; and having been so joined, they proceeded onward toward Falkirk, in order to join other parties, who, from the town of Camelon and its vicinity, they believed to be in arms, and with whom they were to return to Glasgow.

The next place we find them at, I think, in point of time, is Castlecary Bridge, about six o'clock in the morning of Wednesday, the 5th of April; they there stopped to breakfast, and had porter and bread, which was furnished to them by a person who will be a witness before you; and there, Gentlemen, it appears that the person who was the leader of this meeting proposed to the landlord to take a bill at six months, for payment of this breakfast, amounting in the whole to the sum of eight shillings; it appears that the landlord was not fond of this negotiable security, and therefore was extremely anxious that he should receive cash for the provisions that he had furnished them, and accordingly the money was borrowed, part of it from the individual now under accusation before you, and the landlord was glad to accept of seven-and-sixpence as his reckoning. It was insisted before that was paid, that the landlord should grant them a regular receipt, and accordingly it will be proved to you by him, that one of the party made out a receipt in the following

extraordinary terms:—"A party called, and paid for porter and bread seven-and-sixpence. What the object of this extraordinary document was, I leave you to consider; whether repayment was intended to be claimed hereafter I do not know, but such was the fact. After leaving Condorrat, the party, it appears, divided into two divisions, one under the directions or command of another prisoner, who is now at your bar, of the name of Baird, and which went by the banks of the canal; while the other party, headed by the prisoner at the bar, proceeded by the highway, and, soon after leaving that village, proceeded forcibly to take arms from various houses on the side of the highway, so as to arm themselves, for purposes which I shall hereafter state. But I should mention, that while at Condorrat, the prisoner at your bar was procuring bullets and gunpowder for those arms with which his party was then provided; it is material to keep that fact in view. At Condorrat, the first act was to procure bullets for those pieces they had, and gunpowder. Still the greater number not having arms of that description, they proceeded to get arms, and they succeeded in procuring in one instance a musket, and I believe some other weapons.

This party then proceeded on by the high-road towards Camelon, and they were met by a gentleman of the Kilsyth troop of cavalry, who was returning to his duty, after an absence of a night. This individual was stopped by the party, who endeavoured to take his arms; but this he resisted, saying, they should not have his pistol, but they were welcome to the contents; and he was allowed to proceed, and did proceed, towards Kilsyth, where the King's troops were stationed.

After having met this gentleman, they met another individual of great importance in this case, namely, a private Hussar who was proceeding with dispatches from Stirling; and this person they also stopped and endeavoured to take possession of his arms. The circumstances connected with this will be fully detailed to you by the individual. These persons drew themselves up in battle array across the road under the direction of Hardie, who arranged them, and who was one of the individuals who laid hold of this man by his bridle, and endeavoured to take from him his arms. The Hussar, however, contrived to convince them that his political principles were favourable to theirs, and prevailed on them not to take his arms; and they put into his possession a copy of that treasonable Address which was posted all over Glasgow. This paper was given to the soldier in the presence of Hardie, and it was taken from among a great number of similar papers which were exhibited to this individual. Thus, in a second instance, did the prisoner at your bar connect himself with that treasonable document.

After having thus met this soldier, they proceeded on towards Camelon, and there it was found that their expectations, in regard to there being a great number of persons assembled to join them, were not likely to be realized, and that the people in that quarter were disposed to remain quietly at home. Thus disappointed, it appears that this party on the high road having joined the other party which went by the bank of the canal, they consulted together, and considering that it would be in vain to go further, they thought it wise to repair to an adjoining common, and remain there till dark, when they should again return to Glasgow. They, according-



ly, they went. The common is named Bonnymuir, and is situated about four miles from Falkirk.

Gentlemen, the Hussar who had been stopped by this party, immediately proceeded to the quarters of his troop, then stationed at Kilsyth, and communicated the particulars of what had occurred to him on the road, and of this armed party having proceeded eastwards. Having mentioned this to the officer of the 10th Hussars, then stationed at Kilsyth, means were immediately adopted for pursuit. It so happened, that that troop of the 10th Hussars had marched upon the Tuesday from Perth to Stirling, being a distance, I believe, of five or six and thirty miles; and after having put up their horses at Stirling to remain there all night, an order came for their still farther advancing, and in the course of the morning of the Wednesday they had to proceed sixteen miles farther; so that they had performed a very long and forced march, and, therefore, it will not appear surprising that their horses were not well calculated to proceed on a farther enterprize. This was supplied in a manner highly creditable to the other soldiers, namely, this troop of Kilsyth cavalry, who agreed that a part of their body should go on this enterprize, and that the party of the 10th Hussars who required to be mounted, should have the use of a part of the yeomanry horses. To any individual who knows the value such men set on their horses, this was no slight proof of the just and right feelings of these brave yeomen. The party was thus composed partly of troops of the line, and partly of yeomanry, and it was commanded by an officer of the 10th Hussars, whom you will see; and whose conduct on that occasion, I am confident, will appear to have been such as will leave the most favourable impression upon the mind of every individual

who shall hear his evidence. Under the command of this individual, assisted by the officers of the yeomanry, this party set forward in pursuit of these armed individuals, and having been informed that they had proceeded to the moor I have mentioned, they followed them there. It appears that the soldiers were not discovered for a considerable period, but when they were observed, they were received by the people on the moor with a cheer. It will be proved, that on the nearer approach of the soldiers, the party, consisting of thirty or forty, rose at once and gave three cheers, and ran down the hill towards a wall there situated, about five feet in height, across the line in which the King's troops were then advancing; and having placed themselves in line behind that wall, so soon as the King's troops came within reach of them, they fired on them, before any attempt of the kind had been made by the troops. These troops marched up, and the commanding officer endeavoured to prevail on the insurgents to surrender while he was yet on the opposite side of the wall, but all remonstrance was in vain; and though he exposed himself in a manner hardly prudent, and was in danger of being shot on the spot, and was wounded severely, yet his advice and efforts were entirely thrown away; and it was only by discovering that there was an opening in the wall that they were able to approach these persons, and by making a sort of irregular charge, to effectuate the defeat and discomfiture of this body. It did not, however, end without those infuriated persons making every possible resistance, by firing at the troops, and using the pikes; and among those thus engaged it will be proved, that the unhappy individual at your bar was most conspicuously active. These individuals were at last overpowered by the cavalry, and nineteen of them

were taken prisoners. One of them was so much wounded, that he was left on the field, and afterwards escaped; but the other eighteen were taken prisoners by the soldiers, and marched to the castle of Stirling, and have been kept in custody from that time to the present, so that there cannot be a doubt of those being the self-same individuals who were engaged in this gross and traitorous outrage, which I have now taken the liberty of detailing to you.

Gentlemen, I omitted to notice, that along with these individuals there were taken a quantity of arms—the arms with which they were provided. There were taken five muskets, two pistols, sixteen pikes, one hay-fork, one shaft, and a bag of ammunition, containing a quantity of ball cartridges. It will be proved to you, that most of the prisoners were provided with ball cartridges; that their pieces were loaded, and that they used them when so loaded; it will be proved that the serjeant and various others were wounded by the shot fired at them, and one horse was killed and others wounded by shot; and when the muskets were taken to Stirling and drawn, several had balls in them, besides this bag of ammunition, to be used in case of any deficiency.

Gentlemen, having stated these things to you, I apprehend that, without any commentary, you will be completely satisfied that this case, if proved—because that remains yet to be done—does amount to an act of levying war against the King, for which I am entitled to ask a verdict at your hands against the prisoner. That there was a levying of war, no man can doubt; the troops were attacked; and though the party failed, it matters not: if we were to judge in such a question by the adequacy of the means, it is impossible to say in what case Treason could be proved.

Every one must be satisfied that no means that could have been raised at that time, could have been adequate to such an end. If the whole inhabitants of Glasgow and the four surrounding counties had all risen to a man, my opinion is, that the true valour and loyalty of Scotland is such, that every one of them would have instantly been put down, and the ring-leaders brought to punishment for the offence. I say, that no means that could be devised would have been adequate to accomplish the end; but you are not to inquire into these particulars—you will look to the views and intent of the individuals. These persons had a most mistaken view of their means, but that cannot benefit them in the present case: they believed the whole country was in arms; they went out under the conviction of victory, and that their means were sufficient; and they attacked the troops under the belief that they were in condition to accomplish the object they had in view. I therefore submit to your sound judgment, that there was here a levying of war, and that the intent was one connected with the overthrow of the government of the country, and of no private nature. If a different object shall be stated, it will be for the other side to prove it, and for them to shew for what purpose these persons came twenty miles in the night, and then engaged with a party of cavalry they never saw before. That the real object in view was the public purpose which I have stated to you, I believe and trust I shall be able to prove, not only by the acts of these persons, but by their own acknowledgments. For there will be exhibited in evidence a declaration of this individual himself; not one declaration, indeed, but three successive declarations, taken before three different magistrates, and in ~~one and all of~~ which he acknowledges that he was

in arms; that he resisted the King's troops; and that his object in so doing was to overturn the government of the country. He thus excludes himself from the only plea that could possibly now avail him.

*Evidence for the Crown.*

John Rennie, a private in the Kilsyth troop of yeomanry.—He accompanied his troop, about the beginning of April, to a place called Bonnymuir, where were collected a number of people in arms, among whom was the prisoner Hardie and others now at the bar (Here the witness identified them separately.) As soon as the troop was within gun-shot, they commenced firing upon the troops; but they at last succeeded in making them lay down their arms, and in apprehending the prisoners at the bar, whom they took to Stirling-castle. They made a great deal of resistance before they were apprehended; there were several shots fired.

James Hardie, Esq, is a magistrate of the county of Lanark; remembers on the first Monday of April last, that his attention was attracted by a crowd at a watchman's box, at the corner of Duke-Street, Glasgow, who were listening to a man who was reading to them a paper aloud; and among the rest was Hardie, the prisoner at the bar. Upon coming to the spot he stopped and offered to pull it down, but Hardie got between him and the watchman's box and pushed him off. He told Hardie he was a magistrate, and that, as it was a most improper paper which they were reading, he must take it down. On this Hardie seized him the second time, and thrust him off saying, he would lose the last drop of his blood before he would let him take it down; on which he desisted from his attempt. He identifies a paper shewn him to be a copy of what he had read at the watchman's box. Remembers, on the day after seeing

this Address posted up, the town was filled with tumultuary crowds from one end to the other, and the people shut their shops about four in the afternoon. On Wednesday he saw a company of men walking through the streets in military order. In Bridgeton he saw about an hundred of these Addresses pasted against the walls.

Archibald Buchannan is a change-keeper at Castlecary; remembers a party of men coming to his house about six o'clock in the morning of the first Wednesday of April last. They were 14 in number, and armed with various weapons, as sticks, &c. They called for porter and wine, and some bread; after which Baird asked him if he would take his note for payment of the bill; and, in refusing, he paid him (the witness) 7s 6d for what they had eaten and drunk; for which he gave them a receipt, which Baird himself dictated (which was now identified by him); could not identify any of the other prisoner.

Alexander Robert on was a spectator of the skirmish which took place between the party at Bonnymuir and the King's troops. The men were sitting on a hill when the cavalry approached; and, on seeing them draw near, they pulled off their hats and waved them in the air, and then ran down to a dike (wall) at the foot of the hill, behind which they posted themselves in a stooping posture, and began to fire on the troops in an irregular manner. Is certain no shot was fired by the cavalry, before the attack was made by these men; could see nothing afterwards but a cloud of smoke.

James Russell, farmer in Longcroft, identified a gun which was forcibly carried away by one of a party of men who came to his house upon the first Wednesday of April.

James Murray, armourer in Stirling-castle, identified the boxes containing the arms taken at Bonnymuir, which

were delivered into his custody after the engagement, and which he had kept in his possession ever since.

William Grindlay identified a pitchfork which had been taken away from his door by a party of men upon the 5th of April.

Nicol Hugh Baird, private in the Falkirk troop of yeomanry, was present at the battle of Bonnymuir, and gave an account of it similar to that above given. Identifies prisoner, the boy Johnston, Hart, and Baird, as part of those who opposed the troops.

Thomas Cook, serjeant of the 10th Hussars, met, upon Tuesday, the 4th of April, about 3 o'clock in the afternoon, between Kilsyth and Stirling, a party of men armed with pikes, sticks, guns, &c. among which one was the prisoner at the bar.

Q. When you came close up to them, what were they doing?—Standing across the road, or on the road?

A. They stood right across the road, in a line. That man (*Hardie*) was dressing by the left.

Q. Did you mean forming them?

A. They were formed, and he was dressing them in line.

Q. When you came up to them, did you, or they, say any thing to each other?

A. Yes.

Q. Did you speak first, or they?

A. I spoke first—No, I beg your pardon, I was within twenty yards of them, and they ordered me to halt.

Q. Did you obey them?

A. No.—I came up to them, and asked them what they wanted with me; and they gave me a reply, that they were seeking for their rights.

Q. They did not all speak together?

A. No.—One man said they were seeking for their rights, as honest men ought to do.

Q. Was it either of those two persons who said that?

A. I will not pretend to say that.

Q. What reply did you make to that?

A. I said, I was very sorry for their case—I had nothing at all to do with it—and I hoped they would not molest me.

Q. Did they do any thing upon that—any of them?

A. They began discoursing of the different things in that way, and they began to say they were seeking for their rights; and I said I was very sorry for their situation; and one of them said, "I suppose you are an orderly; where are your dispatches?"

Q. Did they stop you?

A. They stopped me, and we had discourse together for five or ten minutes.

Q. Did any thing pass about your arms?

A. One wanted to take my arms; and another said, "Do not do it;" another wanted ammunition, and I said I had none; and they left my arms alone, with my persuading them.

Q. What passed between you?

A. I told them I was a friend to their cause.

Q. Did you say what trade you had been in formerly?

A. Yes; I told them I was a weaver, and that I had a wife and family of my own, and I was very sorry for their situation.

Q. Did they give you any thing?

A. They asked me if I could read, and I said yes, I could; and one of the men took out a roll.

Q. They asked you if you could read, did they?

A. Yes.

Q. You told them you could?

A. Yes.

Q. Upon your telling them that you could read, what did any of them do?

A. They took and pulled out a roll of hand-bills out of their pocket.

Q. What size might the bundle be?

A. I am not much of a judge, but

I suppose there might be from fifty to a hundred. I cannot speak to the number precisely.

Q. And so they gave you one?—Did the roll appear to be of the same description of paper as that which they gave to you?

A. It appeared to be so; but I did not see any further than seeing the roll.

Q. As far as you could judge was it so?

A. Yes.

Q. Did you put your eyes upon it immediately, to look at it?

A. Yes.

Q. What were the first words in it?

A. An Address to the Inhabitants of Great Britain and Ireland, to the best of my knowledge.

Q. Did you read the whole of it?

A. Yes, I did.

Q. Whilst they were with you?

A. No.—After I had left them.

Q. Did you read any part of it besides "An Address to the Inhabitants of Great Britain and Ireland," at the time they were with you?

A. I took notice of the date of it.

Q. Give us the date?

A. April the 1st, 1820, was upon it.

Q. Do you recollect any other words near that part of it?

A. No.

Q. What did you do with that paper?

A. I read it as I went along the road by myself.

Q. They permitted you to pass?

A. Yes; and I read this paper afterwards.

Q. After you had told them you were a friend of theirs, they gave you that paper?

A. Yes.

Q. How soon did you begin to read it?—Immediately?

A. No; I called at a public-house on the right-hand side of the road,

and had a glass of spirits; and then I had got out of their shot, about a quarter of a mile, and I read it.

Q. You went to Kilsyth?

A. Yes.

Q. Who was your commanding officer there?

A. Lieutenant Davidson's head was out of the window, and I spoke to him. He was the first officer I spoke to.

Q. He was at the inn?

A. Yes.—I said I had a report to make to him.

Q. Was he your superior officer?

A. No—Lieutenant Hodgson was.

Q. What did you do with the paper you received from those persons?

A. I gave it to Lieutenant Hodgson, and Lieutenant Davidson, and they did not read it, but gave it to me again.

Q. You were present at the time they had it?

A. Yes.

Q. And they returned it to you?

A. Yes.

Q. What did you do with it after that?

A. I put it in my pocket, and went with the party towards the place.

Q. You went with it in your pocket towards Bonnymuir?

A. No; Lieutenant Hodgson asked me for it before we left the place.

Q. Did you give it him?

A. Yes, I did.

Q. Are you quite sure that the paper which you received from the person or persons upon the road, in the way that you have mentioned, was the same paper that you gave to Lieutenant Hodgson, before you reached Bonnymuir?

A. Yes.

The witness then corroborated the preceding account of the skirmish at Bonnymuir, along with the seizure of the prisoners.

ELLIS HODGSON, Esq. Lieutenant in  
10th Regiment of Royal Hussars.

*Examined by Mr. Serjeant Hullock.*

Q. I believe you are a Lieutenant  
in the 10th Hussars?

A. Yes.

Q. And you were so on the 5th of  
April last?

A. I was.

Q. We understand you marched  
early that morning from this place to  
Kilsyth?

A. Yes, I did.

Q. At what time might you arrive  
at Kilsyth?

A. About half-past five, I think.

Q. Were your horses considerably  
jaded after the march you had had  
that night and the day before?

A. Yes, they were; we had gone  
very quick, at least quicker than we  
generally do.

Q. How soon after that was it you  
received information that induced you  
to set forward again?

A. I should think, about an hour  
and a half. I am not certain as to the  
time.

Q. Was that information derived  
from Cook?

A. No; first from Mr Baird of the  
yeomanry.

Q. Did Cook shew you any paper  
after his coming to Kilsyth?

A. Yes, he did.

Q. Was Lieutenant Davidson pre-  
sent at the time?

A. I think he was; I am almost cer-  
tain he was.

Q. Did you read that paper, or re-  
turn it?

A. I looked at it at the time, and  
saw the nature of it. I did not read  
the whole of it; I saw that it was an  
Address to the people.

Q. You did not read it through?

A. No; I did not at that time; I  
had not time.

Q. Was that the first time that you  
had seen an Address of that descrip-  
tion, as far as you recollect?

A. I am not quite certain; I think  
I had seen one the day before, at Stir-  
ling; I could recollect in time; but I  
am not certain.

Q. Did you soon after that set off  
from Kilsyth?

A. Yes.

Q. Were any of your men mounted  
on yeomanry horses?

A. Yes; ten or twelve.

Q. Did you assume the command of  
some Yeomanry?

A. Yes.

Q. How many did the party consist  
of?

A. I think thirty-two; there were  
sixteen of our own.

Q. You went in consequence of the  
information you received?

A. Yes; we went in the direction of  
Falkirk. This place, or Falkirk, the  
road is the same at first.

Q. Do you remember receiving a  
paper from Cook again afterwards?

A. Yes; on the road I asked him  
for it, when we had gone about a mile,  
and I said, "You had better give me  
that paper."

Q. Did you look at it?

A. I put it into my pocket, and  
looked at it afterwards.

Q. What became of you and the  
party?

A. We proceeded towards Falkirk.

Q. Describe what took place, and  
the order of the events, till after the  
battle of Bonnymuir.

A. We got intelligence which way  
the men who stopped Cook had gone,  
and were directed to a part of the  
muir, to which we proceeded, and  
found the men on the other side of a  
wall from us; they gave a cheer, and  
ran down in the direction towards us,

to the wall; when we came within gunshot of them, (perhaps fifty or sixty yards,) they fired upon us.

*Q.* What number of shots might be fired?

*A.* I am positive to two or three; there might be more, but two I am sure they fired. We had to go over the muir for half a quarter of a mile, to get to them; and when we came near the wall they fired two or three shots, or perhaps more.

*Q.* Were those shots fired from muskets or pistols?

*A.* It is impossible to say.

*Q.* Did you continue to advance?

*A.* We continued to advance till we got close to the wall. When we were close to the wall I ordered them to lay down their arms; at the same time, ordered my own party to cease firing, (they had returned the firing,) which they did do; and after ordering them five or six times to lay down their arms, I got round through a little gap there was, to the same side as them.

*Q.* You were followed by your men?

*A.* Of course.

*Q.* You say you ordered your men to cease firing.

*A.* Yes.

*Q.* Are you quite sure you were fired on before any shot was fired by your party?

*A.* O, certain.

*Q.* Then upon getting through this gap, what was done?

*A.* A few of the men had got through, and I presented my pistol at one of the men who appeared to be the ringleader, and it flashed in the pan and did not go off.

*Q.* Were you near him?

*A.* Close to him.

*Q.* Just see if he is here now?

*A.* That is the man (*Baird.*)

*Q.* Did you put the pistol to his head?

*A.* No, I put the pistol to his breast.

*Q.* Was that in return to the same compliment?

*A.* His musket had been presented at me the whole time I was getting round the wall.

*Q.* Do you know whether he pulled the trigger?

*A.* I have been told so since, but I do not know.

*A Junymen.*—Do you mean the man in the brown coat?

*A.* Yes, that is the man.

*Mr Sergeant Hullock.*—After you got through the wall, was any resistance made by them, and in what way?

*A.* They stopped us—they would not allow us to proceed, and we of course charged them immediately, and we had a short skirmish with them, and they dispersed.

*Q.* Were there any shot fired by them afterwards?

*A.* Some shots were fired, but whether by my own party or them, I do not know.

*Q.* Did they make any resistance?

*A.* Yes, with pikes.

*Q.* In what way—as other pikemen do when attacked by horses?

*A.* They resisted us with pikes presented to us.

*Q.* Did any of those pikes come near you?

*A.* I was wounded in the hand, and my horse was killed by one.

*Q.* What part of the horse was struck?

*A.* In the quarter.

*Q.* Did he die on the field, or take you out?

*A.* He took me off the field and did not die till that night.

*Q.* Where was your hand?

*A.* I had a pistol in my hand, I fancy, and I was making it fast.

*Q.* Did it go through?

*A.* It went from this side, (*the outside*)

Q. Were any of your men wounded?

A. The serjeant.

Q. Were both pike wounds?

A. Yes.

Q. How many did you succeed in taking finally?

A. We brought to Stirling eighteen, and left one on the field very much wounded; we thought there might be a chance of a rescue, and I left him there, thinking it was better to secure what we had.

Q. Do you remember what number of muskets there were?

A. I think there were sixteen pikes and one pike-handle, and a pitch-fork, and five muskets or guns of different kinds, and two pistols.

Q. Any swords?

A. No, I do not think there were; there was some ammunition.

Q. Did you see any of the men on the field searched after the engagement?

A. I was collecting the prisoners, and when I came to the place where some of them had stopped at, I asked if they had searched the prisoners; they said, "Yes, and we have taken a bag of ammunition away from them."

Q. You did not see the search?

A. No.

Q. Who told you that?

A. I think the serjeant-major.

Q. Did he shew you the bag?

A. Yes.

Q. Did you look at the contents?

A. Yes; I saw some ball-cartridges.

Q. But who put them in you cannot tell?

A. No, I cannot.

Q. Have the goodness to look at those persons, and tell us which of them you can recollect to have seen in the engagement?

A. That man that is standing up—I know his name is Gray—Baird, Johnstone, Hardie; and there is a man standing on his farther side, (Hart, I

believe his name is), he was there; and this man in the grey trowsers, (Moir) I think; that man, I am not positive, (Murchie stood up).—That is the man.

Q. You remember his eye, as in the battle?

A. After the battle. I am quite certain about him. I do not think there are any more; their faces are now familiar to me, from having seen them in Court since; but those I know, I recognized when I first saw them afterwards in Edinburgh Castle, except the man who was wounded, (Hart) I did not see him then.

Q. You are certain he was in the battle?

A. Quite certain.

Q. Do you know the man by whom you were wounded?

A. No, I do not.

Q. Did you accompany them from the field to Stirling?

A. No, I did not; I staid to write some letters at Bonny-bridge.

Q. Did you accompany them as far as that bridge?

A. Yes, I did; and after that I overtook them, and rode to Stirling with them.

Q. Are you quite sure that all the persons who were delivered over to the custody of the proper officer in this place were in the skirmish?

A. I am quite certain of it.

*Cross-examined by Mr Jeffrey.*

Q. Am I to understand that that is another copy of the same Address; or, for any thing you know, the same identical paper?

A. That is the same Address, I fancy, but it is the same words; it was out of my hands for a short time, so that I cannot swear to it.

Q. How long was it out of your hands?

A. I think one night.



*Q.* Where?

*A.* In the hands of the commanding-officer of the regiment—Colonel Taylor.

*Q.* Had you read over the whole Address by that time?

*A.* O yes, I had.

*Q.* Oftener than once?

*A.* Not oftener than once, I think; certainly not; I know I had read it once—the whole of it.

*Q.* When you left Kilsyth with your party, you went with a view of finding those men, of whom you had received information?

*A.* Yes.

*Q.* What did you mean to do with them?

*A.* To secure them—to take them prisoners.

*Q.* And take their arms?

*A.* To take the men, and to take their arms of course

*Q.* Had your men their swords drawn when they came in sight of the party on the hill?

*A.* I do not think they had—No, not till we came in sight of the party—I am not positive—I should think not.

*Q.* Had they their swords drawn before the men fired?

*A.* I think so; whether I had given the word or not, I do not know; but probably they would have their swords drawn.

*Q.* Did you go up the muir pretty smartly?

*A.* As quick as we could.

*Q.* And they fired first?

*A.* Yes, of course.

*Q.* And as soon as you got near enough to be heard, you called to them to lay down their arms?

*A.* As soon as I was close to them; I did not call at the distance of fifty or sixty yards.

*Q.* Was any person in attendance, taking charge of them, or were they in one line?

*A.* Baird appeared to me the leader.

*Q.* But there was no person standing out for you to address?

*A.* I could address the whole; they must all have heard me.

*Q.* They were pretty close together?

*A.* Yes; they were in a small body, perhaps half a yard or a yard from each other.

*Q.* You got eighteen, and one was wounded; did any escape, do you know?

*A.* I cannot answer that.

*Re-examined by Mr Serjeant Hullock.*

*Q.* You addressed them several times?

*A.* I should think six or seven times.

*Q.* State the language you used at that time?

*A.* Lay down your arms; I said nothing else.

*Q.* Are you quite sure you were near enough, at the time you repeated that expression, to enable every person in the body to hear you?

*A.* Decidedly so; for I spoke very loud, and they were all quite near enough to hear me.

*Q.* Was any alteration made in their movements at all?

*A.* They did not fire any more, but they did not lay down their arms.

*Q.* And the resistance took place that you spoke of, when you got through this gap in the fence?

*A.* They did not fire any more till we got into the middle of them, and then I do not know whether they fired any more or not.

*Q.* You do not know whether the firing then was by your party or them?

*A.* No, I do not.

*Mr Jeffrey.*—Did they say any thing at all after you called out to them to lay down their arms?

*A.* The word "Treat" was mentioned by one of them; I thought they said, "We will treat with you;" but any thing else I do not remember.

*Q.* Do you know who said that?

A. I do not know which of them. I heard the word "Treat," and it struck me that they wanted to make terms with us.

Lieutenant John, James Davidson was along with Mr Hodgson when he went with his party to Bonnymuir, and corroborated his evidence in almost every particular; identified John Baird as one who appeared to be the leader of the party; observed him present a short gun at Lieutenant Hodgson. He found upon the party a number of pikes, guns, pistols, and a quantity of ammunition in their pockets.

The evidence being closed, the declaration of the prisoner was sworn to have been fairly emitted in the presence of Mr Alexander Dow, one of the Sheriffs of Stirling, Adam Duff, Sheriff of Edinburghshire, Alexander Ker, and John Watkins. After it had been read, the Clerk of Arraigus was proceeding to lay before the Jury the contents of the Address, which Mr Hardie, the Sheriff-depute, deposed to as being the same as the one he heard read at the corner of Duke-street; when

Mr JEFFREY rose, and objected to this proceeding, on the ground that Mr Hardie had not given sufficient evidence of his being certain that this was an exact copy of the one in which Hardie was implicated. Mr Hardie confessed himself that he did not hear the whole of the paper read, but only a small part of it, and of this part he had only a slight recollection; and it was not fair that any greater part of it should now be read than that which Mr Hardie persuaded himself was a copy of the hand-bill he first saw. The learned Counsel also objected to the reading of the hand-bill which Serjeant Cook received from Colonel Taylor, and which was, to the best of his recollection, the one which he re-

ceived from the party who stopped him between Kilsyth and Stirling, inasmuch as there was no proof that Hardie was at all accessory to its contents, and of course could not be responsible for them. Besides, there was no other evidence, except a faint trace left upon his memory, that the bill in Court was the identical bill which he received from that party, and gave to Lieutenant Hodgson. It had been proved to have been out of the witness's (Hodgson) hands, and had not been marked in any manner, so as to make it easily distinguishable. Both objections were repelled, and the Address was read, which was to the following tenor:—

Address to the Inhabitants of Great Britain and Ireland.

Friends and Countrymen,—Roused from that torpid state in which we have been sunk for so many years, we are at length compelled, from the extremity of our sufferings, and the contempt heaped upon our petitions for redress, to assert our rights at the hazard of our lives, and proclaim to the world the real motives which (if not misrepresented by designing men, would have united all ranks) have induced us to take up arms for the redress of our common grievances. The numerous public meetings held throughout the country has demonstrated to you that the interests of all classes are the same. That the protection of the life and property of the rich man, is the interest of the poor man; and, in return, it is the interest of the rich to protect the poor from the iron grasp of despotism; for, when its victims are exhausted in the lower circles, there is no assurance but that its ravages will be continued in the upper; for, once set in motion, it will continue to move till a succession of victims fall. Our principles are few, and founded on the basis of our constitution, which were purchased with

the dearest blood of our ancestors, and which we swear to transmit to posterity unsullied, or perish in the attempt. Equality of rights (not of property) is the object for which we contend, and which we consider as the only security for our liberties and lives. Let us shew to the world that we are not that lawless sanguinary rabble which our oppressors would persuade the higher circles we are ; but a brave and generous people, determined to be free. Liberty or Death is our motto ; and we have sworn to return home in triumph, or return no more. Soldiers ! shall you, countrymen, bound by the sacred obligation of an oath to defend your country and your King from enemies, whether foreign or domestic, plunge your bayonets into the bosoms of fathers and brothers ; and at once sacrifice, at the shrine of military despotism, to the unrelenting orders of a cruel faction, those feelings which you hold in common with the rest of mankind ? Soldiers ! turn your eyes toward Spain, and there behold the happy effects resulting from the union of soldiers and citizens. Look to that quarter, and there behold the yoke of hated despotism broke by the unanimous wish of the people and the soldiery, happily accomplished without bloodshed ; and shall you, who taught those soldiers so fight the battles of liberty, refuse to fight those of your own country ?—Forbid it Heaven !—Come forward then at once, and free your country and your King from the power of those that have held them too too long in thralldom. Friends and countrymen, the eventful period is now arrived when the services of all will be required, for the forwarding an object so universally wished, and so absolutely necessary. Come forward, then, and assist those who have begun, in the completion of so arduous a task, and support the laudable efforts which we are about to make, to replace to Bri-

tons those rights consecrated to them by Magna Charta, and the Bill of Rights, and sweep from our shores that corruption which has degraded us below the dignity of man. Owing to the misrepresentations which have gone abroad with regard to our intentions, we think it indispensably necessary to declare inviolable all public and private property ; and we hereby call upon all Justices of the Peace, and all others, to suppress pillage and plunder of every description, and to endeavour to secure those guilty of such offences, that they may receive that punishment which such violation of justice demands. In the present state of affairs, and during the continuation of so momentous a struggle, we earnestly request of all to desist from their labour, from and after this day, the 1st of April, and attend wholly to the recovery of their rights ; and consider it as the duty of every man, not to recommence until he is in possession of those rights which distinguishes the freeman from the slave ; viz. that of giving consent to the laws by which he is to be governed. We therefore recommend to the proprietors of public works, and all others, to stop the one, and shut up the other, until order is restored, as we will be accountable for no damages which may be sustained, and which, after this public intimation, they can have no claim to. And we hereby give notice to all those who shall be found carrying arms against those who intend to regenerate their country, and restore its inhabitants to their native dignity, we shall consider them as traitors to their country, and enemies to their King, and treat them as such.—By order of the Committee of Organization for forming a Provisional Government. Glasgow, 1st April, 1820.—Britons ! God, Justice, the wishes of all good men are with us—join together, and make it one cause, and the nations of the earth

shall hail the day when the standard of liberty shall be raised on its native soil.

Mr JEFFREY, as counsel for the prisoner, began with stating the satisfaction with which he had escaped from the labyrinth of legal subtleties, and could address himself to the unsophisticated good sense of the Jury. He began with admitting fully that his client had been guilty of highly culpable proceedings; that he had been found actively engaged in a skirmish with the lawful forces of the king. He then proceeded:—

Gentlemen, it may be necessary, after having made this admission, to state to you, not on any subtlety of the law of treason—not on any technical and lawyer-like distinction, which will appear at all strange or difficult for you to follow, but on principles which must be convincing and satisfactory to your minds, though they may not have occurred to you before your present duty required you to attend to such considerations, in the way I see you are now attending to them—that an attack may be made upon the forces of the King, by an armed band of his other subjects, and the blood of both may be shed in a field of unnatural battle, and yet no treason may be committed; and the proof of that fact may even be no material ingredient of the treason that is here charged, and the treason which is alone sufficient to support the charge against the prisoner. The charge against the prisoner, and what was necessary to make a valid charge of treason against him, is, that he was engaged in actual hostility with the forces of his sovereign, *for the purpose, and with the intention of compelling that sovereign, by force of arms, to change his laws and government, or for the purpose of subverting the government altogether; leaving, or not leaving, the royalty, for the purpose of some fantastical*

and new usurpation, to be erected upon the bloody ruins of the former fabric. That, Gentlemen, and nothing else, is the charge; and that, and nothing else than that, must be proved, before we are in a condition to consider this person in danger of a verdict from you, finding him guilty of the charge now exhibited against him.

Gentlemen, the subjects of this realm may commit a variety of offences, of a more aggravated, or a more venial nature, indicated or consummated, all of them, by hostility against the King's forces, and by shedding their blood; and none of those offences can, by possibility, be ranked in the class of Treasons at all. There may be in the mind of a man, or any number of men, or at least of any moderate number of men, a great hostility to a particular body of the King's troops, or perhaps to the whole array of the military, from opinions, from grudges, from real or imagined wrongs or injuries, sustained at their hands—They may be assaulted in revenge—persons may have been detected in crimes, and led to justice—arms may have been found in their houses, and confiscated, and themselves convicted and punished by military law, or military despotism; on that account they may attack those who wear the same uniform as those who detected them,—out of revenge, and be guilty of great crimes undoubtedly,—but not of the crime of Treason. Such instances occur every day; bands of men engaged in pretty extensive combinations, for the furtherance of unlawful objects that are pretty widely pursued, in a neighbouring country. In Ireland, and in this country formerly, and not long ago, there were encounters between the King's forces and persons engaged in smuggling; they have been familiar and common, and much blood has been shed in these occurrences. Aggravated crimes they are, when it comes

to slaughter, and great crimes when there is no slaughter; but not approaching to the verge of Treason. I need not observe to you, that, whenever an act is at all of an equivocal or doubtful character, it is the duty of a jury to hold, and it is the presumption of law, that the guilt belongs to the least aggravated view of the case; and, therefore, actual conflict with the forces of the King, although by armed men; and obstinately and desperately pursued, is not even *prima facie* evidence, or presumption of a treasonable intention; and if nothing else is proved, is not the least ground for a charge of that kind against the party, and ought to be referred to the more common occasion for such a lamentable occurrence. In order, therefore, to make out this crime at all, there must be evidence, either by antecedent, or by subsequent acts, of that *treasonable purpose* which is the result of the guilt, and by which, if established by acts properly distinguished as overt acts, the guilt would be complete without the actual striking, and without the actual conflict. That, no doubt, would afford an overt act, which would receive an unequivocal character from the proof of the purpose and intention. But so far from holding this transaction at Bonnymuir, which is qualified to strike the imagination or the feelings of the public at large, I say, so far from its being sufficient proof of a treason, I do maintain, that the crime must be proved in your estimation, before you are entitled to consider what took place there as any material article of charge against the prisoner at all; and, therefore, so far from its being a separate act of treason in him, it is one you need not look to in order to prove the treason; because the treasonable purpose must be sufficiently made out by other circumstances before you are entitled to give

to that affair the character of a treasonable assault, or a waging of war.

And here, Gentlemen, although for your information it cannot be necessary to state it, it is necessary that I should mention as a material basis of the views of argument I humbly propose to submit to you, that it is a fact too notorious to require any proof, and too lamentable to escape the recollection of any one, that for a long course of time anterior to the melancholy transaction which has thus day been put in evidence before you, that class of the community to which the prisoner at the bar and his associates confessedly belong, have been subject to great sufferings and privations. I believe I may also say, that it is matter of equal notoriety, that those sufferings were, for a long course of time, although, unfortunately, not, to the end, borne by that class of persons not only generally, but, I may say, universally, with unexampled patience; and that it is a lamentable feature of this, and of many other cases of a similar, and of a different description, with which the courts of criminal jurisprudence in this country have lately been, and are still thronged, that the result of that long period of suffering has not in the end been equally honourable to the character of those who were subject to it, as at the first there seemed good reason to expect it might be. Gentlemen, I am sure you will not suspect me of stating this to you as any species of defence or apology for crimes like this now charged against this prisoner, if they are proved; or for any other species of crime that is actually committed—guiltily, undoubtedly, although under the influence of such painful and deplorable circumstances. Undoubtedly, Gentlemen, although a man be driven to steal by excess of poverty, it is not the less theft; and if the poverty is

general, perhaps it is only the more necessary that the vengeance of the law should be let loose against his thieving; and if you should be satisfied, as we must all in general and in a large view be satisfied, whatever we may think of any particular case, that much of disaffection, much of sedition, much of disorder and alienation from their duty and allegiance, has unfortunately characterized the times that lie but little behind us, though much of it must be referred, and ought in charity to be attributed, not to any sudden depravation, but to the operation of circumstances of an intolerably grievous nature; yet no lawyer, and no man, can say, that is any reason why those crimes should not be pursued, and why additional severity ought not to be employed to counteract the incitements and tendencies to guilt that arise naturally under such circumstances. And nothing can be more abhorrent to my thoughts than to say, that that is any ground for a jury not to apply the law, or for those who administer the law not to give effect to its vengeance, to repress crime in the season when the example is most likely to be contagious. Gentlemen, I do not state it either for that purpose, or for the vain end of disclaiming that purpose; but I think relevantly, and in a view that is entitled to your serious attention, as bearing on this case, as affording the more likely, and more merciful and humane interpretation of acts that would otherwise receive a severer construction. For if, in such a period, crimes not defensible are likely to be committed, all these acts of resistance of the military power are more likely to occur; and when they do occur, great care should be taken to ascertain whether they are Treason, or offences of a different nature from Treason; and we all know, that during the distress that has prevailed, there was a plentiful and lamentable harvest

of such offences, totally distinguishable from Treason, but leading to the same acts of resistance to the police and regular order and general force of the law in this country, which may in some cases indicate a treasonable purpose. We know, that the distresses in Glasgow indicated themselves first by that which continued to the last, I believe their fundamental and general cause,—I mean by a combination of workmen for an increase of their wages. That is an offence punishable, and recently punished, by the criminal law of this country, in transactions in which a great part of the individuals now arraigned here were directly engaged, or indirectly concerned. After a time, the discontent, the mutinous and combining spirit that originated as a mere disorder in trade, and partook of a far milder and less aggravated character than belongs to any public offence against the state, and had in the beginning nothing in it of a political offence, at all, undoubtedly received additional violence by imbibing some portions of political animosity. Then another offence came to be combined with these dispositions, and, Gentlemen, the crime of sedition reared its head in this formerly loyal and tranquil land.

Gentlemen, the records of our criminal courts, events that every man has heard of in every corner, have taught us how many prosecutions, how many arrests, how many alarms, were propagated by seditious assemblies, seditious discourses, seditious libels and publications; and, Gentlemen, nothing was more natural, after these assemblies, these tumultuous meetings had become common, than that they should lead further to the commission of that which hungry multitudes are so apt to run into, pillage and plunder, and indiscriminate attack on private property. Now, Gentlemen, it is in this state of things that you are

called on to find that certain persons, who went armed about the country, and resisted an attempt to arrest and make prisoners of them, must necessarily, and in consequence of that act, be held to have been so raised, and so armed, and so marching, not for the purpose of defending themselves from being brought to justice for any of the minor offences to which I have alluded, not to protect themselves in the continued career of committing those offences, but for the purpose of waging war against the government of the country, and arming themselves to subvert the constitution of the country. Gentlemen, I say in such circumstances a general view of the case would lead to the more merciful, as well as by far the more likely and probable conclusion; and that, when so many other more natural and more feasible purposes of such arming can be pointed out in the circumstances which confessedly belong to the persons accused, it will require clear and precise evidence to satisfy you that this conduct must be connected with a treasonable purpose, and cannot be accounted for by any other circumstances of probability, such as are suggested by the real circumstances in proof.

Now, Gentlemen, with a view to the evidence in particular, of which I think this is the general description, let us consider to what it amounts. There has been reference made to a hand-bill, of a very abominable description; and as to which I cannot say that I feel myself called upon to dissent from the epithet that was applied to it on the part of the prosecution—I think it was a treasonable hand-bill. Allusion has also been made to meetings of persons called Radicals; and allusion has been made to expressions said to have been used by others, in the hearing of the prisoner, of a purpose or desire to obtain what they called their rights: and these things, as they have been

said to have been brought home to the prisoner, with some others, seem to be relied upon as sufficient proof that these suspicions, these illegal, these criminal acts, which I admit are proved against him, must necessarily not only have been illegal and criminal, but also treasonable; and that there is evidence sufficient to force on a Jury, bound to presume every thing for the prisoner, the irresistible conviction of his guilt—and absolutely to exclude us from putting any other interpretation on his conduct than that he was armed for the purpose of employing his arms to compel a change in the constitution, or to effect a subversion of the government and the regular establishments of the country.

Gentlemen, if that hand-bill had been brought home to the prisoner at the bar, as a person concerned in its concoction—if any evidence had been laid before you that he had been a party, or a member of a committee for organizing a provisional government—if any expression or speech had fallen from him, deliberately uttered, advisedly and repeatedly uttered—for I think it would require that—approving the tenor of that publication, with evidence that he understood the tenor of it when he did so approve of it,—why, Gentlemen, I must confess that I should tremble for his fate; and in spite of my reliance on the mercy with which your justice would be tempered, I should scarcely dare to lift my eyes to ask what your justice might have been called upon to pronounce. But, Gentlemen, is that the case here? —Is there any evidence, in the first place, such as, I confess, I expected, and I think I was prepared to rebut—Is there any evidence that this individual had, for any course of preceding time, been engaged as an active reformer, or a meddler in politics at all? —Has it been proved that he was the hearer or maker of speeches at any ra-

dical meeting, or a zealot for annual parliaments, and suffrage by ballot, or any other reform?—Has the prosecutor thought fit to go back so far as to satisfy you that, upon whatever motives he acted during these four days, those motives were even deliberately considered, or formed any part of his settled opinions, or the rule of his habitual conduct?—Does he select his first victim on account of the aggravated and peculiar and prominent features of his offence, and yet he is unable to shew that he belonged to that class of persons with whom, undoubtedly, the greatest and most unexpiable guilt must rest, by whose machinations, by whose stimulating poisons, the mass of the ignorant population has been infected? Here there is no foundation laid for the belief of a treasonable purpose; for that, like all other fixed purposes for which persons are to be responsible with their lives, ought to be shewn not to be abandoned after a few days, but that the mischief was ripe in the country for years before; but there is no attempt to trace this man back one step beyond the brief period during which his conduct has been put in evidence before you to-day.

But, I say, while you are bound to free the prisoner, from the utter want of evidence on the point of all participation in these plots and conspiracies, and these committees, and meetings, and associations, from which this pernicious and detestable hand-bill originally emanated, I admit, if you could fasten on him the adoption of that hand-bill as his creed, with evidence of his understanding it, however much it might be regretted that punishment could not find its way to the most guilty, it would be impossible to say sufficient had not been proved against this party. But how do we stand as to this? Their Lordships have found that it is so proved in the circumstances of the case, as

that it may and ought to be read to you; and of course you must take it as a part of the evidence laid before you; yet their Lordships neither have, nor can be imagined to have found, any thing more. They have not found that that hand-bill is a paper, for the contents of which my client is responsible; they have not found that there is any evidence by which his approbation of it is sealed; indeed, it does not belong to the Court so to find—it belongs to you, and you only, to find that; and their Lordships never intended to prejudice that question. Now, Gentlemen, what is the evidence?—I am unwilling to receive any part of the discussion, which you heard lately laid before the Court, or to ask you to form a different opinion upon any of the points upon which the opinion of their Lordships has been delivered to you; and, therefore, I shall not enter into the question of how far there is sufficient evidence to satisfy you that the two hand-bills, with which it is said that the prisoner at the bar has been connected, were actually of the tenor of the documents upon the table, which have been sent to you as evidence; but I do submit to you, in one word, that neither of them are sufficiently proved for you to proceed upon. That is an established fact, in proceeding to consider the import of the evidence laid before you, though I am bound to bow to the decision which has been formed, that they have been so far proved, as to entitle you to form the conclusion which shall appear to you to be deductible from them; I say, there is no legal evidence that the hand-bill now produced by Mr. H. was of the same identical tenor with the hand-bill of which a copy was seen by him; it is not proved to be of the same tenor as that the prisoner was found hearing read to him; you are the judges of that. I may admit, as a rule of law, that though it is suffi-



ciently proved to send it to a Jury, it is not sufficiently proved to entitle a person to say, from recollection, that it is an exact copy of that paper, which alone can affect the prisoner. The only paper which can at all touch the prisoner, is that which he is proved to have personally heard it read. Now the contents of that paper are not in evidence before you, nor any copy compared with it, of the identity of that paper with others. I submit, in a court of criminal justice, you cannot hold identity to be established by the circumstance that it struck the witness as being the same. That is not legal evidence of identity; and you cannot take it upon you to touch the life of a fellow-creature, upon grounds so precarious.

Then, again, what is the fact with regard to this hand-bill? Why, Hardie, the prisoner at the bar, is proved, I think sufficiently proved, to have heard a part of it read—but only a part of it; and unquestionably there is not the least evidence that he heard the part that followed that to which the witness spoke, and necessarily confined his deposition,—or that he either himself read, or heard the subsequent part read at all. But supposing it were ever so clear that he had heard it read four times over from beginning to end, deliberately and distinctly, is it possible to maintain, that hearing a seditious paper read, or reading a seditious paper in the public streets, where all passers-by must read it, is enough to involve the party who reads it in a seditious approbation of its contents? You, and thousands of loyal subjects, may have read it under the same circumstances. His reading a part is absolutely nothing, as to connecting him with the whole of it, or fixing him with its tenor, as any exponent of his sentiments or opinions.

But then we are told that his conversation with the respectable person

who was naturally struck with horror and indignation at what he read of it, his interference with that person in his attempts to pull it down, and the passionate and unbecoming language which he used to him, are evidence to a jury, in a case of blood, that he approved of that paper, and adopted it as his own; and that you are entitled to impute to him the blame of the anonymous hand-bill, stuck up in the streets for all who ran to read. This, I confess, is a stretch I should hardly expect from any one; and without appealing to that great law of reason, humanity, and justice, which we know to rule and predominate in the criminal courts,—that the milder interpretation is to be adopted; and it is only where you are compelled to adopt that which imports guilt, that you are entitled to adopt it. In other words, the prisoner is to remain in presumption of innocence, until you have clear and overbearing evidence of guilt; and any thing else, though it may justify suspicion, is not, on any account, to be assumed as evidence by a Jury, situated as you are, charged with the life of a fellow-creature, where all sense, eyes, and minds, must be shut to suspicions. I say, I need not appeal to these considerations here, because, considering the description of person, the rank of life, and the temper, you may suppose this man seditious, discontented, and mutinous, suffering his share of privations, and feeling more than his share of excitements, and provocations to these things; and looking at him in that way, is it necessary to suppose the adoption of that bill to explain what took place with regard to it? What took place? He was, with thirty other people gaping round this watch-box, and listening to the elocution of some cleverer fellow, who was delivering its contents to a circle of wondering auditors and spectators; and in the midst of this, to all men very

interesting reading, a person comes up and pushes through the crowd. \*In an idle, disappointed, probably not very moral or correct person, you know how craving the mind is for stimulants of this kind; all tales of wonder, and all tales of crimes, are gladly sought after by that idle part of the population, whose passions being blunted on one hand, and excited on the other, are most easily led to that sort of delight which the exhibition of horrors supplies to their uncultivated minds. In the midst of this wonderful story, a grave person comes forward, and insists on interrupting the orator; and before he gets half way through reading the paper, he insists on tearing it down and carrying it away. I do not say it was becoming or right; I do not say it was not very wrong; I do not say it was not suspicious, to use the language this witness recollects the prisoner to have used; but the substance of it is, he asks what right have you to interfere? and he is answered, I am a magistrate. Now, we all know, that in the towns of this country, the name of magistrate is almost exclusively bestowed on the borough magistrates; and though, in the law, the justices of the peace are magistrates, that is not the common acceptation of the word, especially in the royal burghs. There is a fat gentlemen in a black coat calls himself a magistrate; he is supposed to be a dean of guild, or a baillie, or something having the badge of authority, therefore I explain the rudeness, the insolence, and violence of speech, when he said, where is your warrant? As Mr Hardie had no gold chain, the prisoner naturally thought he was usurping the character; he never saw his person before, and therefore, his appeal was unsuccessful, from the fact that he did not see in that circle any person known to him. There was a mistake, in short, in the use of the word magistrate by this person,

certainly entitled to that appellation, which would appear a deception to the mind of a Glasgow weaver, who would say, I know all the magistrates of Glasgow, and this is not one of them. And, after all, is it to be conceived that this man, hearing those fine phrases, the common slang of patriotism, all the usual verbiage, by which a man's head is apt to be bewildered, would follow, from a blundering reader, all that was given out from this public desk in this manner, and have an exact perception of the tenor of the work? He had heard enough, however, to excite his imagination, as all bombast does with the ignorant, and he thought it fine and flashy, and was desirous to hear it out; and I ask, which of us, if we had seen such a performance, would not have wished to read the whole of it? which of us would not have put it in our pockets, and read it word by word in the conclaves of our associates, just as Hardie and his associates were reading it then?—There were words, the Doctor said, between Mr Hardie the magistrate and some of the other people; and there were, it appears from Mr Hardie, but he says he cannot recollect more than he stated, that he insisted on taking the paper down; and this rude person, in all likelihood, not having a command of temper, was angry that he should be interrupted, and said, I will be damned if you take it down. You shall take my life's blood sooner. That was, no doubt, a violent observation; but if a man is once defied and comes to the heat of blood arising from scuffling, we all know the indecorum to which he may be hurried; and I ask, whether under these circumstances, you can hold that that language can be common sense, to say nothing of humanity or law, be received by you as a presumption—though you have nothing to do with presumptions, and ought to discard them with resentment from

your minds—can that language afford any sort of evidence that he knew more than he was then hearing, or that he approved of, or understood, what he actually heard? I do submit there is a complete failure of the evidence on this point, and that it would be the most tremendous of all constructions of evidence, worse than any construction of treason ever attempted, to convict a person of a capital crime on such a foundation as this.

Gentlemen, I say there is not a particle of evidence with regard to his adoption or approbation of that paper, and that every thing that occurred, not only may be explained consistently with his not approving, and not understanding even that part which he heard, but in common sense, considering his condition of life, it is by far the most natural presumption; and if the favour were the other way, you would naturally and necessarily adopt it: And therefore I cannot too much caution you in the outset against allowing your minds to be poisoned by listening to any suggestions of this kind, in viewing that legal, and pure, direct, or circumstantial evidence, by which only you can find a fellow-creature guilty of the tremendous offence charged against this unhappy man to-day.

Then of the other hand-bills I have still less to say, before I dismiss them altogether. You have heard it proved that this unfortunate man was on the road, not laudably, I fear, nor innocently employed, but, I say, not proved to be reasonably employed, along with five or six other persons, when they met this serjeant, whom you saw examined to-day; and there a person, who I think it is admitted was not the prisoner, did pull out of his pocket, after some conversation, a parcel of papers, and gave the serjeant one of them; which, it is said, has been proved to be another copy of the same

hand-bill. I say, in the first-place, that this is not proved; that there is a fatal and unsuppliable link in the chain of evidence, by which it ought to be connected with the person who gave it to Cook; and, therefore, if that person had been the prisoner, it would not have been a crime, because it is not proved to be the same with the one now produced. Evidence, from recollection of similarity of tenor, is not receiveable evidence in any crime, much less in the highest crime, where the proof is most difficult, and required to be most complete. But, Gentlemen, supposing the bill to be traced from the hand of the prisoner to Cook, how is that better evidence than the other of his approbation of its contents? I put it to you not as persons who are bound to listen to quibbles and legal distinctions, but I put it to you on the principle of common sense, as applied to evidence of simple facts, whether the delivery of a folded paper by one man shall amount to evidence against another person then present, that he has a knowledge of the contents of that paper, and approves of its contents and circulation.—This person takes a bunch of them out of his pocket, and gives one folded up; can any thing be so hazardous and full of peril to all men who may be in evil company, if they are to be answerable, not only for what they see done and approved of, but for what may be done, in one sense, in their presence, but which is not done at all with reference to them? It is the knowledge of the contents of the paper that constitutes the whole guilt; and though the paper is handed over in the presence of another, you have nothing to found the presumption that a person merely present, of whom it is not proved that he saw the inside of it, is to be loaded with the whole sealed-up volume of guilt, which is not unsealed in his presence for an instant. Gen-

tlemen, the maxim of law, that a man, if he sees a thing done in his presence without disavowing it, is liable for the thing so done, is a hard maxim in some circumstances. Some men from fear, and others from inattention, may be present at words spoken and acts done, which they ought to dissent from and disavow; and though they have had the purpose and inclination so to do, may, from inattention or stupidity, be prevented from doing it. I say, it is hard they should still be made jointly responsible with the actor or speaker; but if they are to be answerable for sealed papers delivered over in their presence, there is no end to the injustice that may be done, nor any limit to the anomalies and perversions of law that may follow. A plot against the man himself, a treasonable or murderous scheme against a man, may be handed over to a person in his presence, and he may thus be held accessory to his own condemnation—what limit is there to that presumption? I ask you if you think there is any evidence to fasten on the prisoner the guilt of that paper, or any intention to approve of the paper, by the circumstance of a folded copy of it being passed from the pocket of one man to that of another, who carries it away?—and yet that is the whole evidence with regard to his connection with this paper, with which, it is said, he is chargeable, and of which, it is said, there is evidence of his approbation and adoption. If you think that is evidence, I own I should be less inclined to congratulate the country on the institution of which you form a part, and less willing to trust my effort to your decision; but I will not believe it is possible, and, I am persuaded, that you never will hold that this hand-bill is to be brought against this individual, farther than as proof that it was posted in two places in Glasgow, and that he had read it before

he left the place; but that he took any step connected with it is a matter of the loosest inference, and is not rendered even probable by any of the circumstances given in evidence to-day.

Then, Gentlemen, what are the other circumstances? I really am not aware that there is any of any formidable or considerable nature, except the statement contained in the prisoner's own declarations, that have been read to you; and, Gentlemen, it is always most painful, I believe, to the prosecutors, and I am sure it is to a Jury, when any material and necessary part of a man's guilt is brought out by his own, as it must turn out, most imprudent, and perhaps incoherent expressions and declarations.

Gentlemen, such declarations and admissions are usually receivable evidence; but they are far indeed from being conclusive evidence, and I rather think I may say, that unless where they connect facts that are proved by extrinsic evidence, though they may be allowable, it is hardly advisable to rely much on them. Why, Gentlemen, the most solemn and complete of all admissions, I believe, is hardly ever stated as evidence, and certainly never considered, or dwelt upon as evidence, in the case of a trial for crime.—I mean the confession of the prisoner himself, in the presence of the Jury or the Court, although deliberately made, if ultimately, and in time, he withdraws and retracts it. Such is the humanity of our law, that it allows a plea of guilty, which has been put in, upon reconsideration, to be withdrawn; and the fact of that plea having been entered, though the most solemn admission of guilt that can well be made, I believe, in practice is never admitted or referred to as evidence, or at all, in summing up the proof. Yet of all confessions it is the most complete, and ought to be of the most unequivocal and decisive authority. I state that

to you as an ordinary illustration; but you must be aware how repugnant it is to all those feelings with which the administration of justice ought to be tempered, and without which it would scarcely be justice for human creatures, that the exponents of a man's condemnation, who does not intend to plead guilty, should in any case be extracted or construed out of statements that are obtained from him before a magistrate, or otherwise.

But, Gentlemen, one would apply this caution with infinitely greater, and in this case, I think, with decisive strength; to that part, which is the only part of the declaration, that I think is material, in which an avowal of the purpose of this armament is taken down. It is said he armed himself in order to obtain a reform in Parliament, or some such thing, or with a view to obtain a reform in Parliament. Now, Gentlemen, considering how these examinations are taken, I think it cannot be held that these were the precise words the prisoner uttered; and in a matter not of naked fact, but of opinion, and relating to notions of a political kind, I scarcely think it allowable to give a statement of the objects of a man in such concise terms as these, and then to catch at such expressions as decisive of guilt, which would not otherwise settle on him. For while the declarations as to matter of fact may in general be safely received, the expression of opinions or motives, which are always imperfectly given, and are always modified and retracted on farther investigation, ought not to be slapped down in two lines, and no questions asked in explanation. I impute no blame here to the magistrates. I am sure they act most conscientiously; but that is not the mode of proceeding in this country. What the expressions are I really do not care, but they plainly admit of an explanation, and an explanation with the

statement of which I shall conclude the general observations I have to make to make to you, and nearly finish all I have to say.

Gentlemen, I have very little doubt you may think it probable that the arming of these men, and their marching from Glasgow, had some connection with politics and with reform, and I do not think more can be inferred from the statement in the declaration; but there is a wide step to be taken from that to an admission, which the subsequent and preceding parts of the declaration negative, and you can never suppose that he intended to contradict himself, that he intended no violence to any body, and that, in point of fact, the speculations about annual parliaments and universal suffrage, were afterwards explained to be what he had heard other people say; but he had hardly any opinion on the subject himself, not being in the habit of attending much to such subjects, which I think you are bound, in the absence of evidence to the contrary, to believe was the case. Now, Gentlemen, very grievous offences may be committed by persons engaged in the pursuit of such a reform, as appears to have been in favour with this person and his associates; but, Gentlemen, I think a great proportion of this, and all that is necessary to suppose here, may be supposed, without involving him in the guilt of Treason. The statement he gives is substantially, that he went out, having no purpose of hurting any body, to bring in other people who were friendly to the cause to Glasgow, and that he took arms for this and no other purpose. I am aware this is treading on dangerous ground; but the case would be different in that view of it from the view the prosecutor takes here;—if it was merely determined to hold a meeting of a tumultuous nature to have a petition drawn up, and a great radical meeting, and determined also,

that if the military, or police, came to disperse them, they would use force to prevent their dispersion. This is the worst view of it; and this will not amount to treason. But all that the declarant says is, that they intended to go and tell the people in the country that the cause was going on, and if they would come and make more noise, and make it appear that it is the general wish that such reform should be granted, we think it will be granted; and that the prisoner therefore went to get a large number to petition, and went armed on this recruiting service to prevent the interference of the police.

Gentlemen, this is a high crime: but it is not Treason, undoubtedly not the Treason laid here; for it is a very different thing from a person arming himself, on purpose, by active force, to overwhelm the government. If a man arms to protect himself, it may be an illegal act, if the act in which he is so to be protected is in itself illegal. But if the resolutions, and the petitions, and the speeches of the convocation of persons, had been carried through, they would only have amounted to the crime of sedition; and if upon any attack made upon them they had resisted, that would have been only a riot, not a treasonable waging of war. I admit fully, at the same time, that there is no distinction between a person saying I am not armed to overthrow the government by force, but only to defend myself against those who prevent my overthrowing it peaceably. But if I am only collecting meetings without proof of their intending any such overthrow, that is not Treason, and causing dispersion there is not Treason. I do not go, therefore, upon the shadow of a distinction between active and passive force; but there must be evidence that it was intended to commit that which was Treason; and resisting the dispersion of a

radical or a seditious meeting is not Treason. If smugglers are pursued by soldiers, who are employed to arrest them, it is a riot to resist, but it is not the crime with which you and I have to do to-night; although it is resisting lawful authority, although it is waging war against the King's forces in the performance of their duty, in preventing the execution of a criminal and improper purpose then a-foot, and then following out by the persons engaged in it. In short, where the purpose is not strictly treasonable, the mere assisting in maintaining that purpose by force, although a heinous offence, although involving the party in great crime, is not Treason, unless the purpose was a treasonable purpose, which it would be impossible to say in many cases it would be, though they were regularly armed.

Then, Gentlemen, I have only to bring you to the ultimate view of the case, and see how it corresponds with the supposition of its being treason, or the supposition I submit, that it was merely for the protection of an illegal and criminal, but not a treasonable purpose. Why, Gentlemen, I do not say that the inadequacy of the force is of itself evidence, where there is clear proof of a treasonable purpose, or an answer to the proof that a levying of war took place. Desperate causes will have desperate votaries and advocates, and persons very often appear devoid of that understanding, by which alone their conduct could be ultimately formidable; but when you see them going with arms to protect themselves, and with such numbers as to render the idea of waging war absurd, the inadequacy of their force is then a more decisive and important feature in the cause. Gentlemen, it is very remarkable that there is no evidence of their having addressed any body to join them in subverting the constitution; there is no evidence of their applying to any

body to enable them to compel a change of government; there is no evidence of their having adopted any of the other purposes in that hand-bill, or of its coming from the mouth of my client, or any person in his company. They took arms on the road, and had conversations about their rights, but they never said they were to work out their rights by force, or to apply their arms but for their own protection. It is supposed they went out in obedience to this proclamation, and in particular the part which relates to the soldiers; and yet you are asked to believe that that party which was to seduce them were the actual aggressors in this hopeless conflict. But what do they do, according to the statement of the other party? They march, avoiding all interference with those whom they want to overthrow, by sneaking along the canal; and when their object is frustrated, they go to a desolate part of the moor, where there was nobody to conquer, but where they go to hide till they could steal back again to the city from which they had come. Does this shew that they had intended to compel a change of government? or is it not referable to the minor offence of going out to escort a body of reformers to what may be called illegal meetings, where seditious speeches were to be made, and absurd, ridiculous, and pernicious resolutions come to? What reason have you to suppose but that they were armed against the police, which had threatened their dispersion; which would have been a riot, but certainly would not have amounted to Treason.

Gentlemen, that is the way they were found; and let us see a little more particularly how this unhappy catastrophe was brought about. They met a person on the road, and one of them asked for his arms; they were not very resolute, for they allowed the man to walk away unhurt in his per-

son after a little parley. Then they encounter a hussar; they stop him, and one man asks for his arms: that was stated to you distinctly not to have been the prisoner at the bar, it was stated to be a person who was in the battle, who he thinks escaped, and is not in custody at all. Now, there is no proof of that being done for a common purpose, for another man of the party interposed, and said, You shall not take his arms, and it was carried so; and therefore you are not to attribute the proposed act of one as a common act in which the others are involved, when it appears clearly that they dissented. They have a colloquy with him, and he counterfeits an affection for their principles, and sympathizes with them for those distresses which he sees are the probable cause of their melancholy speculation, which would be ludicrous, if it were not for its example, and the consequences it has brought on its author. The hand-bill is then given to Cook, and word is carried to the troop at Kilsyth that armed men are parading the country, and a party is sent out. I do not mean to arraign the conduct of those persons; but I think there is rather scanty evidence to warrant their taking these men prisoners. I have no doubt they acted honourably, and with use to the public; but it was without authority, and all that had been seen were six armed men. I think that was too equivocal to justify a war on the part of the militia; but I do not dwell on that. The important thing is, that this troop sought the party, and the party did not mean to seek the troop. It is evident that their object was escape, and the object of the troop was apprehension and seizure. That is pretty manifest from the way in which they came forward; and therefore, Gentlemen, what position were these men placed in, acting, I think, wickedly and foolishly in the

highest degree; but I do submit to you, from their conduct in this stage of the business, as well as in all the former, not proved to have been acting in furtherance of a treasonable object.

It is clear, beyond all possibility of dispute, that when the military came in sight, their acting was in self-defence, and not an invasion of the troops to overthrow the government. It was in order plainly, and for no other purpose than, to prevent their apprehension and seizure by a body of armed men, that they made resistance. From the panic which the sight of these soldiers threw them into, it is quite plain, and no man of common sense can view it otherwise, that this was not a voluntary aggression on their part, but was a mere resistance of persons in an attempt to apprehend them for what they had before done; and if they had not before committed Treason, the whole conflict on the field is referable to the mere fear of arrest by questionable authority. Nor can it be denied, that men coming up at a hand gallop, and brandishing their swords, might naturally inspire them with fear, that instant violence was intended, and that they had no resource but in a desperate resistance—though, if they had known who commanded that troop, they might have been assured, from his aspect, they would have met with protection and quarter, which all their violence could not induce them to refuse. ~~But~~ Gentlemen, they did not think so; and in their rank of life and with their feelings, and their diet of whisky and porter, which was the diet of the preceding night, it is not to be wondered at that they should act with violence. But that is not the point; the point is, whether the history of that onset affords any evidence of a treasonable purpose, if it is not proved antecedently by preceding acts? And I say, without a shadow

of doubt on that point, that if you are not satisfied, that they were guilty of High Treason before, that was not an act of High Treason. It must have been consummated before, if that act is in furtherance of it; nay, if it is held to have existed before, that was not an additional act of Treason; and if you think it existed before, it is only upon the overt acts, constituting that previous Treason, that you can now convict. You cannot believe the actual conflict to have been undertaken from a treasonable motive; their motive was to all human sense, and every man must see and feel it, a desperate attempt of a parcel of men surrounded, to escape from apprehension for their former conduct; and if they had been treasonably employed before, their acting then was merely resisting their apprehension, a case which cannot be stated as an act of Treason; but if they had been guilty only of a minor offence, and if any thing else was the amount of their guilt, and they went out to protect themselves from arrest, it may be illegal and criminal, but it is not treasonable. I say, the resistance to this alarming arrest, and the resisting the officers of justice, is not an act of Treason; and therefore, Gentlemen, great as the popular aggravation is that the case receives from this act, I end my statement of the evidence by repeating, that unless you are satisfied from the other parts of the case, that there are sufficient indications of a treasonable purpose, you can receive no evidence of that Treason from the events of that field, and that the Treason, if it existed, must have been complete before, and could not be created then.

Gentlemen, I have said a great deal more than I am afraid you have had the patience to listen to, or than, with more preparation, or a juster appreciation of the evidence, I should have thought it necessary to trouble you



with. I dare say, tedious as my address has been, many matters of importance have been omitted; but I cannot at this time tax my strength or your patience by any recapitulations of the evidence, or any glancing at the heads I should have submitted. I leave this prisoner and this case in your hands; confident that you will require no suggestion of mine, to remember not merely the general deficiency of evidence to which I have alluded repeatedly, but that you cannot forget or be inattentive to the pleadings of that inward advocate, who not only does plead in the hearts of all humane and just and generous men, but whom the law recognises as a legal and weighty advocate, even in questions of strict legal construction, and in all questions, especially where the actual truth of human motives, and the true state of that unsearchable heart, the ways and movements of which can never be completely disclosed to any human eye, are a part of the materials on which a verdict of condemnation or acquittal, in a case of life and death, must depend. The facts are clear and indisputable—I have not disputed them—I trust I have not misrepresented them. The whole question is as to *the purpose and intention* from which those acts proceeded, and which they were intended to accomplish and fulfil, if they had been allowed to be persevered in. This is a question, therefore, as to motives and designs; the determination of which, though difficult, Juries are obliged to undertake; and to which, if they proceed divested of party feelings, and with a merciful inclination towards the accused, I am satisfied they will not go wrong. I say, if along with a zeal for the conscientious discharge of their duty, they take with them those humane and merciful considerations, for the sake of which the establishment of

trial by Jury, and the committal of the life of a fellow-creature to the care of twelve simple and uneducated men, has been so honoured and admired, the result must be satisfactory to all. To attend to those considerations, Gentlemen, is not only your privilege, but your duty; and it is merely because it is so, that trial by Jury stands so high, and is canonized as the greatest of all blessings, and that without which, the most perfect laws would deviate into harshness and cruelty.

Gentlemen, I cannot but think, that now that the alarm and the immediate danger is over in the country, we shall have a fairer chance than at an earlier period; you will look more to the merciful considerations that may induce you to be satisfied with the exposure already made, and to construe what is equivocal with that favourable leaning and bias towards mercy which the law expects and requires at your hands, and from the consciousness of having exercised which, to your latest days, you will receive more pleasure than if you should act a Roman part, and decide, on a nice point of evidence, to sacrifice these unfortunate individuals, who are already, by a forfeiture of esteem and respect, to be considered as the victims of those deeper and more wicked designers whom the law has not yet overtaken. I think your feelings will be different, if, in after times, you pass by their dwellings, and ~~are~~ <sup>are</sup> met with the tearful countenances of their orphans and widows, you there find the men themselves reclaimed from the disaffection with which they may have been tainted, redeemed from that peril on the brink of which they now stand, and enabled, by their reformation, to return to the exercise of an industry which is beginning to be better rewarded, and to bring up their children and their children's chil-

dren to admire those Courts and those Juries who have administered the law in mercy, and have acquitted, not indeed from a general imputation of guilt, nor stamping on them any badge or signal of approbation, but merely negating the precise charge which is before you, and taking advantage of the flexible nature of the charge on which the conviction is demanded, refusing that conviction which might perhaps be reasonably granted, but which would be now far more wisely and generously withheld.

No evidence was called on the part of the defence.

The Solicitor then rose, and after some general observations of the law of Treason, observed:—

In the first place, whether there has been assembled an armed multitude—a multitude not armed with all the regularity of well-appointed war—but a multitude deriving confidence from their numbers, and armed in any way with hostile weapons, such as are sufficient in their apprehension to commence that system of operations which constitutes the levying war. The next point, in considering this Treason, is, with what design, for the accomplishment of what purpose, is that multitude assembled, and has that multitude so provided itself with arms?

These are the points to which the learned counsel on the other side has chiefly directed himself; although I could not help thinking, that he shewed much less dexterity in withdrawing your minds from the proper subject before you, than in giving you much assistance on the law; and for the best of all reasons; because if he had done so, it would have exposed the naked, undisguised, and undisguisable nature of that Treason, which, I am confidently to contend before you, has been brought home, beyond the possibility of doubt, to the prisoner now at the bar.

Upon the first of these points, whe-

ther there was here assembled a considerable and a violent multitude, who had provided themselves with arms, who had arrayed themselves in a warlike manner, who had actually proceeded to use those arms in the way which has been so clearly proved to you by a course of evidence that need not be repeated—upon one and all of these points, it is impossible for any human understanding, that has bestowed the slightest attention upon the proceedings which have been detailed in your presence, to entertain the remotest hesitation or doubt. It is a point which has been yielded with great discretion upon the other side; and it is a point upon which I should be ashamed to say one word more to you. Therefore, Gentlemen, you are brought to a short, and as I apprehended it, as clear a point as ever was submitted to the consideration of any Jury; the point is one which is common, not to the charge of Treason only, but to all crimes that can by possibility be brought under the consideration of Courts and Juries. It is brought to this point, what was the design of the parties—with what design did they proceed in the way in which they are proved to have proceeded—was their design an innocent design, a laudable design? Nay, even taking it to be a criminal design, was it one of private import—was it for the vindication of any private right, peculiar to any one of the individuals who were there engaged—was it for the satisfaction of any private grudge—was it for the inflicting of any private revenge, that all these proceedings, these blood-thirsty proceedings, were pursued? That is the question which you must lay to your conscience; and I am persuaded, when you give a conscientious attention to the evidence, it is utterly impossible, as I said before, for you, or for any man, to entertain the most remote vestige of doubt.

Gentlemen, it is not necessary that the public design,—supposing I shall

be successful in shewing they had a public design,—it is not necessary that the public design should have been the immediate destruction of the King—it is not necessary that it should have been to accomplish any particular restraint or invasion of the kingly office; but if the design was one to accomplish a change in the constitution, be it of any description whatever—if it were in the merest trifle in the constitution—if it were to accomplish the slightest alteration in the sacred form of the constitution—and by force, for it was by force, and by nothing else, if the design existed at all,—it brings one and all of them within the sphere and the range, and within the awful penalties of the crime which is now laid to their charge.

Gentlemen, if there had been nothing more in the case but that the armed party, so arrayed and marshalled and prepared, with whom the prisoner was joined, had been found in close and hardy conflict with the troops of his Majesty, I do not scruple to say, that it lay upon them to prove that they were not levying war against his Majesty. Notwithstanding all that has been said about the presumptions in favour of innocence, presumptions against which, in their fair and legal import, I should be the last person in the world to argue, I say, nevertheless, that persons may be placed in such a situation as to cast upon them the whole burthen of exculpation; it is not necessary that I should plead this case to that degree, but I do not scruple to lay down that proposition as being founded both in reason and in law. Gentlemen, if a man is seen to run another through the body—to blow out his brains, is any thing more to be required of the public prosecutor than the proof of that fact? Is he bound to prove that this murder, as it is in its first appearance, this act of homicide, to call it by an abstract term, is not committed in self-defence,—is not committed under the

influence of insanity, or by accident? No such thing. The duty of the public prosecutor is completed by proving the fact of homicide; and that fact being proved, turns over upon the prisoner the whole duty of his own exculpation. Just so, Gentlemen, I apply the principle here. And if a party of men, in regular array of war, are found in conflict with the troops of the King, I say it lies upon them to prove that their purpose was not that which, from necessity, proclaimed by the circumstances in which the parties are found, is the inference which every man must draw from the facts so proved.

It has been earnestly maintained, that the conflict with the King's troops did not constitute Treason, and cannot be stated as an overt act of Treason; and that if there was Treason at all, it must have been completed at some earlier stage of their proceedings. My answer to this view of the case is short, simple, and conclusive. I contend that the Treason was completed before the conflict with the King's troops, of which I need not repeat to you the details. The crime had arrived at its full measure of legal and moral consummation by the assembling in arms. But I contend further, that their conflict with the Hussars and Yeomanry was nothing more than a natural and necessary continuation of the active proceedings formerly begun; and that the accomplishment of their treasonable design, and their personal safety, were equally involved in the success of that contest.

The *Lord President*, in summing up, took a general view of the law of Treason, and then exhibited a summary of the evidence, clearly intimating his conviction that the guilt of the prisoners amounted to High Treason. He considered this general view of the law and facts of the case to be the more necessary, after the eloquent appeal which had been made to their passions,

and the attempts to lead their attention away from the evidence. Although he had frankly given his opinion, they were in no degree bound to follow it, in case their own judgment led to a different conclusion.

The Jury withdrew at five minutes before one o'clock, and returned into Court in twenty minutes, finding the prisoner *Guilty on the second and fourth Counts of the Indictment, and Not Guilty upon the first and third Counts.*

On the 14th July JOHN BAIRD was brought to trial; but as the proceedings did not and could not differ from those in the trial of Hardie, unless in unimportant particulars, we have preferred giving a full report of the one, rather than a more meagre report of both. He was found *Guilty* on the second count of the indictment.

*Stirling, 5th July, 1820.*

James Clelland,  
Thomas McCulloch,  
Benjamin Moir,  
Allan Murchie,  
Alexander Latimer,  
Alexander Johnstone,  
Andrew White,  
David Thomson,  
James Wright,  
William Clarkson,  
Thomas Pike,  
Robert Gray,  
Alexander Hart,  
John Barr,  
William Smith, and  
Thomas McFarlane,

were set to the bar.

Mr JEFFREY rose and stated, that after the issue of the two last trials, he considered it his duty to his unfortunate clients to advise them to plead Guilty, and to throw themselves on the mercy of the crown.

The LORD ADVOCATE observed that this step must be taken without any pledge, or even any confident expectation of pardon.

Mr Jeffrey acquiesced.

The prisoners then severally withdrew their plea of Not Guilty, and pleaded Guilty.

LORD PRESIDENT HOPE.—My Lords, before any further procedure is held in this matter, I am sure your Lordships will all agree with me in saying, that although Mr Jeffrey thought himself entitled in point of law to object to the appearance of Mr Serjeant Hullock, or any English counsel, in this cause against him, yet, in point of fact, there never did ~~exist~~ <sup>exist</sup> any counsel, less necessity for any counsel fearing to meet another counsel of any bar whatever; and I am sure, if all the bar of England had attended here on behalf of the unhappy men now convicted, it is impossible they could have been better or more ably defended. Every point was hit that it was possible to hit for them, and pleaded in the ablest manner; and it must be satisfactory to the country, that the result of these trials has been to raise the character of the Scotch bar, and to shew they are fully competent to the conduct of any case whatever. With regard to the last proceeding, he has acted with as much judgment as he did with ability in the defence of his other clients.

*Stirling, 31st July, 1820.*

John McMillan,  
James Burt,  
Andrew Burt the younger,  
Daniel Turner,  
James Aitkin, grocer,  
James Aitkin, wright,  
Andrew Dawson, and  
John Johnstone,  
were then put to the bar, and several

ly pleaded, Not Guilty Their trial was fixed for the 4th August

*Stirling, 4th August, 1820.*

John M Millan and Andrew Dawson were put to the bar. Mr John Peter Grant then rose, and stated that, at his advice, given upon a careful consideration of all the circumstances of the case, the two prisoners were desirous of pleading Guilty This being admitted, the Lord Advocate rose and said, that these two being the most criminal, he was ready to acquiesce in a verdict of acquittal upon the rest

The Lord President then pronounced sentence of *Death* upon all the prisoners who had been found Guilty It was enforced however, only against two, Andrew Hardie, and John Lund, whose execution took place on the 8th September, 1820.

WILLIAM WILSON, STRATHAVEN,  
FOR HIGH TREASON.

*Glasgow, 26th June, 1820.*

The Grand Jury being impanelled, true bills were found against William Wilson, William McIntyre, William Robertson, and William Watson. The two latter had absconded, and were not in custody.

*8th July, 1820.*

William Wilson was put to the bar, and the indictment being read, the Lord Advocate rose and stated the nature of the charge. He observed that the house of the prisoner was the place where the disaffected met and arranged their plans. The meeting there took place the Black Dwarf, the Spirit of the Union, and other papers exciting to disaffection. There would appear reason to believe that the priso-

er was the channel through which the communication was carried on between the seditious at Strathaven, and the provisional government established at Glasgow for treasonable purposes; and that he was the person to whom their messages were delivered Through his means chiefly, there was reason to suppose, that a treasonable handbill (the same exhibited in the trial of Hardie) was posted in Strathaven The recommendation contained in it to all labourers to desert from work was followed at least to a great extent The proclamation was further acted upon by the ringleaders assembling one evening at the house of Wilson, whence they issued in parties, and violently robbed different houses of arms, which they brought to his house Early on the following morning a party, of from ten to fourteen, came out from the house, variously armed, and accompanied by Wilson himself, wearing a sword From different notices it would appear, that they were going to join their brethren at Glasgow, and accordingly they marched along the road to that city as far as Kilbride Here they met a gentleman and a lady in a gig, from whom they learned, that all was quiet at Glasgow, and that there was not the smallest prospect of succeeding in their undertaking. Upon receiving this intelligence, they gave up their march, and slunk back to Strathaven as quietly as they could. The Lord Advocate contended, that those facts established beyond a doubt that they had, with a treasonable intent, come forward in arms against the King, and with a view to overthrow the established system of government.

The facts were proved by very voluminous evidence, for an abstract of which our limits oblige us to refer to the speeches of Mr Murray and Mr Hulloek.

The prosecutor was then about to put in evidence the declarations of the

prisoner. Mr Monteith objected to the first, because Mr Aiton, who received it, though he had told the prisoner, that he was not obliged to make any declaration, had yet added, that it would be better, in his opinion to be candid and to tell the whole truth; that this was what he himself would do in a like case. This, Mr M. urged, was holding out an expectation, or half promise, of some favour to be extended to him, in consequence of making the confession. The objection was sustained. Mr Monteith then objected to a second declaration to the same effect, because, though nothing of the kind had been then said, nothing had been said to do away the impression which had been produced by the first. Although this objection was strenuously combated by Serjeant Hullock, it was finally sustained by the Court.

Mr Murray, for the panel, then expressed the reluctance with which he had undertaken this cause, which he had neither leisure nor experience of the subject, sufficient to do justice to; but he had considered himself bound to sacrifice every personal consideration, and even his professional character, rather than incur the greater stain of refusing the repeated applications of a person in distress. Mr Murray considered it a hardship to his client, that English law did not require the same precision in indictment as is required by Scots law. He justified himself against the insinuation that he had unnecessarily taken up the time of the Jury by causing all the material parts of the indictment to be read; he considered himself bound to do so, and had abridged it as much as possible. At the same time, he arraigned the enormous length of the indictment, to which he did not believe there had ever been a parallel. That against a man who had conspired against the life of King William, was not a twentieth, he believed not a fiftieth part of

the length of that drawn up against this poor individual.

The prisoner at the bar was accused of an attempt to subvert the Constitution; where was there any thing pointing at such an attempt? Where was there any thing stated on his part like a dislike to the Constitution of his country, any thing short of the most implicit admiration and attachment to it? He was accused, because persons met at his house in January to read certain newspapers, the *Black Dwarf*, or the *Black Book*, as some called it, the *Manchester Observer*, and the *Spirit of the Union*. What did the Jury know of these newspapers? what evidence was there that they contained any thing at all wrong? He knew nothing of them; they might be the best or the worst in the world. Supposing they were bad, they had been given up on the 10th of January. He surely thought that this was wasting the time of the Jury.

The next charge was for publishing and posting up a treasonable Address. He agreed implicitly in the description given of it; it was an improper, treasonable, and detestable Address. But where was the evidence that his client had any share in its composition and posting up? When, after an investigation of several months, this trial was so pompously announced, he never doubted that we were now to deal with the persons who had made the Address, and with some members of the provisional government who dictated it. As to his client, there was not the shadow of proof, or attempt to prove, that he ever even saw it. There was nothing more than evidence of its being seen and posted up in Strathaven. Among numerous witnesses, some had, and some had not seen it, so that it probably remained up a very short time; and yet, because the prisoner might by chance have seen this Address, they were called upon to believe that his conduct was un-

der its dictation. He would never cease to call it a most criminal and treasonable Address; but because that Address was framed in one town, and posted up in another, was a man in that other, who is never proved to have even seen it, to be considered as the author?

There was a charge of "purchasing and providing arms, in order to attack the soldiers of the King, and to make war against the King." The utmost that was proved under this head was, that some persons had assembled one night at the prisoner's house, when he was absent, and committed certain outrages; and that on another day, ten, twelve, or at most fourteen men, had marched in a certain way upon the road, while the prisoner, subject to their power, certainly went unwillingly along with them. This was the war against the King—this was the parading with arms. There were charges in the indictment for drilling, and for attempting to seduce the soldiers of the King; but not a shadow of proof to substantiate these charges. Mr M. complained of the hardship under which he had laboured, in not having seen the precise charges, nor even the declaration of the prisoner, as he would have done by the law of Scotland; perhaps he had injured his client by procuring the rejection of that declaration, but he had been obliged to proceed upon such conjecture as circumstances allowed.

Mr M. now entered at some length into an illustration of the law of treason. This, which had before been vague, was limited by the statute of Edward III. to compassing the death of the King, Queen, or heir, and to levying war against the King; "but he must be probably attainted by open deed by people of his condition." Lord Cockburn had justly called the Parliament which passed this Act "a blessed Parliament," and he had expressed the strongest indignation a-

gainst those Judges who impaired the statute by introducing constructive treasons. He called these "damnable and damned opinions." These were strong words, especially from a man of his station and gravity; but they were not too strong; because he who perverted this great law, committed a crime, compared to which any common treason or murder might be considered as small. To constitute treason, then, there must be an intention to kill or levy war against the King, and there must be an overt act proving that intention. No doubt must be left on the minds of any of the Jury, that the prisoner had that state of malignant mind, throwing off his allegiance, and either levying war or compassing the King's death. This state of mind must be known by an overt act, guarded from construction, and conjecture, and suspicion. The bare fact must come in such a manner, as irresistibly to lead the minds of persons of his condition, a fair and honest Jury, to this conclusion. If they were not satisfied they were guilty of a crime more heinous and atrocious than he would mention, if they should find him guilty. After the most anxious search, he could never find a trial for Treason at all like this. Was there a conspiracy against the life of the Sovereign? was there an attempt to seize his garrisons? was there an attack made with a great armed array? The utmost of the statement is, not that he put up the placard, not that he knew the people who put it up, not that he is proved to have read it, but that he and some others, in a small village in this county, seem to have gone so many miles on the road, and then they turned back. He could hardly believe he was addressing them upon a charge of seducing soldiers, levying war, and forming this traitorous hand-bill and provisional government. There was merely evidence that persons met at his house, but

without any violence committed while he was present. Could the Jury, against their souls, their oaths, and consciences, put it to their breasts that he saw this proclamation, when there was not a tittle of evidence bringing it directly against him? Never was treason or law more strained, than in an attempt to obtain their verdict on a ground which would make the life of every person as unsafe as in the most unfortunate times. There may have been a great treason—there may have been a provisional government, if so, let proof be adduced; but here there was nothing of the kind.

Mr Murray now proceeded to remark on the testimony of some particular witnesses. James Thomson had been brought to prove, that he heard a knocking and a hammering. The inference, Mr M. supposed, was, that they were knocking and hammering arms. On the trial of a mouse would this be held as evidence? We are going to put the worst possible interpretation on every thing, and because they had got a noise, to believe they had got a traitorous conspiracy. Was this evidence to affect a man's life? He was safe from a thousand such points; it was only important as shewing that there was nothing so trifling, but some envious neighbours would put uncharitable constructions upon. After this, it behoved the Jury to examine scrupulously all the attempts made to bias them. The same witness, when examined to prove the prisoner's coming out, said that he held his sword down, on cross-examination, that he seemed downcast. There was certainly evidence that he came out that day, and proceeded with these people along the road for a certain distance. He goes from Strathaven a certain way upon the road. Mr M. trusted he should be able to prove the compulsion under which he acted. Could it be doubted that compulsion might be employed?

One witness had been seized the night before and closely guarded. In the day time, an attempt to escape would be much more difficult, especially in a person of a certain age. There was no ground of law or common sense, on which it could be said that this restraint might not continue during the whole of the eight miles that he accompanied them. It could not be expected that the proof of compulsion should be made out on every step on the road. He accompanies these persons, not a band of rebels carrying on war—not going on with any disorderly and improper attempts, or doing any crime in his presence. Yet he went, even on the evidence of the Crown, dejected and unwilling. He had not attended a meeting held on the Monday, not far from his residence. Mr M. endeavoured to prove that every meeting, at which he was present, had been conducted in a much more orderly manner than when he was absent. There was the evidence of a Mrs Hamilton to a speech made the evening before, expressing approbation of treasonable designs, and intention to accompany the party; but this witness had a brother who had fled the country, and who, she might hope, would be left unmolested, after the law had been satisfied with other victims. It appears that during the whole of the march, Wilson had advised returning, and on the first opportunity that offered, away he goes. To a person at Kilbride, he expressed a wish that it should be said he was there on business; this Mr M. imputed to a desire to screen his companions, who were relations or intimate associates.

Several witnesses were now produced on the part of the plaintiff.

On the following day Mr Murray resumed. In consequence of the evasion of the other persons engaged, he was deprived of his natural witnesses, and obliged to have recourse to by-



standers, for what they had merely noticed and overheard. He had been obliged to bring forward the witness's sister, and admitted that the relationship impaired her evidence. The Jury must allow for his disadvantageous situation, while the Crown, by granting a pardon, could induce any individual to become King's evidence. But there had been enough proved, to shew that his client was under the influence of fear. A person had said to him as he left his house: James, this is a bad job; to which he answered, It is; but I will get out of it as soon as I can. This fear he ought to have resisted: but, all men had not that courage, and was a man to be made guilty of Treason, because he was not a hero? The learned counsel then went over at great length the consideration of the law of treason, and instanced numerous trials, in none of which, nor in any that he knew of, were the circumstances at all similar to the present. He again commented also on the particulars of the case.

Much stress had been laid on the circumstance that the party carried out a flag, on which was written, "Scotland free or a desert." Was the Jury to consider persons bearing such a flag as guilty of a treasonable conspiracy? Was that an opinion which any man was not entitled to act on? "It is an opinion which I openly avow before you, and I trust it is the opinion of every honest and worthy man throughout the country. I say it is not merely the opinion of persons speaking with warmth and heat on the occasion, but it must be the opinion of every sound and reflecting mind, of every person who has studied our history, or compared it with that of every other country. Is it our soil, our climate, our rocks, our marshes, that prevent this country from being any thing but a desert, with all the disadvantages of a miserable climate, remote

from the rest of the world? Was it not at the period of the Revolution visited with famines that swept away hundreds and thousands of the people? What, Gentlemen, can it be now, that produces the wealth, riches, and improvement around you; the cultivation of the vales, the verdure which adorns your mountains; all that traffic that adorns and enlivens your rivers, but the course of a free government established among you? And whenever that free government is lost, that will cease to be its state: that must be the sentiment of you all, and of every reflecting man in the country. No doubt the best sentiments may be abused; but because a sentiment which is right, and ought to be nearest the breast of every person, was put on a flag, did that prove that the persons holding it were traitors, and intending to destroy the country altogether?"

We regret that our limits do not allow us to follow the learned counsel through a speech which occupied several hours, or even to touch the numerous cases adduced in support of his client. He finally warned the Jury against being biassed by the able arguments and authoritative assertions which they would hear from his learned antagonist. He insisted there was clear proof of his client having acted under the influence of fear and constraint. He did not wish to appeal to their compassion. He might have brought the daughter of the prisoner as a witness; but the case would have been too cruel, when a father's life was concerned, and it might have been an undue attempt to bias their minds. He called on them merely to act as honest men, always remembering that if there remained in their minds a shadow of doubt, they were bound to acquit.

Serjeant HULLOCK, in reply, said it was his duty to recall the attention of the Jury to the real law and facts of the case, which had been studiously

withheld by the learned counsel on the other side, during the countless hours through which he had addressed them. The learned gentleman had apologized for the short time he had to prepare. There appeared little room indeed for such an apology, after speeches of such extraordinary length, and after he had brought forward almost every thing to be found in the books, except the law applicable to the particular case.

Mr Hullock denied the charge of useless prolixity, or of obscurity in the indictment. It had been framed on the model of that of Watson, the production of lawyers for whom no panegyric could be too high. The use of an indictment was not to perplex the opposite party, but to assist him in meeting, by evidence and argument, the facts charged. If any of these were omitted in the indictment, they could not be introduced into the trial. For this reason, it might be necessary to introduce charges into the indictment, which they were not able, perhaps, though they had expected it, to support at the trial.

The learned counsel then entered at large into the law of treason, and endeavoured to prove from the highest authorities, given on a succession of trials, that any body of men coming forth, with the intention of effecting by force a change in the Constitution of the country, however insignificant in numbers, however devoid of discipline, though without arms, nay, though naked as they were born, were levying war.

The learned counsel now entered on the facts of the case. He alluded to the proclamation posted up at Glasgow; to the consequence which immediately followed, of the operative inhabitants striking work, and parading the streets in the military step. The Address was then brought down to Strathaven. He cared not

how long it was posted up, or even if it was posted up at all; but when work was struck at Strathaven, and the place was thrown into the same tumultuary state as Glasgow had been, could there be a doubt, that this was in consequence of the same Address? Mr H. then proceeded as follows;

Now, Gentlemen, let us see what anterior steps had taken place at Strathaven. I am now separating the case of the prisoner from the case of the individuals there concerned, because it will be important, in the first place, to ascertain whether any individuals were guilty of High Treason; because, if the party in general, of fourteen or fifteen, exclusive of Wilson, were not guilty of High Treason, I could not expect you to believe Wilson was—therefore let us go by steps, and consider whether these men were or were not guilty of High Treason, and the way to do that, is to see what was the intention with which they marched out of that place. It appears that, on the evening, late at night, of Wednesday, a message reached this person; it appears by the evidence of Brownlow, who, by the bye, was costive enough, that a man came to Wilson's, he, Brownlow, being in the next room, being a watchmaker, who sometimes employed himself in working at making stockings at Wilson's. It appears this man came there; that he wished Wilson to go up. Wilson said, "No, the night is wet, I will not go." He did not hear any thing more; he did not know the place well enough to go, but he went into the room, and Wilson was gone; he then left the place. It appears by the evidence of one of the Steeles, that he went down to Wilson's that night, where there was a congregation of men; the room was crowded—it was full—it was as full as it could well hold; and he described the party as being twenty or thirty. Wilson asked him if he had heard the news; he said what

news?—the great news from Glasgow ; the people were up, and their brethren were expected to join them. You will find, on perusing your notes, and paying attention to the different parts of the evidence, that a party had marched out long before that, similar in size, and similarly armed. The news arrived abruptly, and unexpectedly perhaps ; it became, therefore, necessary that a party should immediately set about arming themselves ; they wanted nothing but arms—in point of mind, disposition, and temper, every thing was right—their hearts were rightly placed for treasons, stratagems, and spoils. They immediately detached a party to get arms. The following facts are also proved by the testimony of John Thompson, who was the only witness on whom my learned friend employed any observations : He said he was called only to prove a noise, and he talked about the trial of a mouse ; and, having done with that witness, he forgot any more of our case last night. Thompson goes down there at eleven at night, and the windows are screened. What does he do ? He overhears a noise ; what noise ? the chopping of wood ; and then it came out, that Wilson sometimes burnt wood in his house, and, therefore, he was chopping wood, before he went to bed, for the fire in the morning. But what were all the people doing in the house ? Is it necessary to have twenty or thirty people to assist you to split wood ? But there was a debate—a loud discussion ; a discussion which may be considered, and so it ought to be, a grave discussion, before they enter on this scheme. But the party left Wilson's house about eleven o'clock ; the noise ceased ; they returned about one ; the noise recommenced. Where had they been during this interval ? The occasion was urgent ; they wanted arms ; their brethren of Glasgow were waiting for them ; they were to march the next

morning ; active operations in the field were to be undertaken on the following day. Where, then, were those individuals who left Wilson's house between ten and eleven o'clock at night ? Ask Farey. Farey was seized in his father's house ; he was urged out ; and you will see, Gentlemen, from the manner in which Farey was taken care of, was surrounded by these men. You will, by and bye, see the difference in the mode of guarding men who go by compulsion, from that observed when men go freely and voluntarily. Farey was placed between two men, and three pikemen before, and three young men behind him—that looked like restraint ; where a man is not to be restrained, they put him three or four yards in the rear. Now, Gentlemen, there you have a different mode of applying force, where the parties really mean to apply force. Farey was their man, not their man in heart, but he was their man by force, by restraint ; and, in point of fact, he was forced along with them in the way which he has described. What do they do ? At the first house they go to, they procure a gun. The next house, I think, they go to, they want a man from. The old man in the house says, " We have no man here ; we have only our own family,"—the women scream, and the party go on. The next house is the house of Alexander, I think ; and they attack both the fore-door and the back-door. The people are armed ; they do not stir ; and the man says to his son, " The gun is charged, you had better give it them." " No, I will not." " You had better." Then they begin to break the windows, and fire shots, to shew they are prepared. The consequence of that was, that young Alexander handed out a gun to them. They go on ; it was a matter of urgency ; the following day was to be a grand day ; they go on from house to house, and ransack five or six houses. Now, I pray you, Gentlemen, tell me,

if you can—I would ask, in point of fact, any man, and I defy the wit of any man to tell me, for what earthly purpose these arms were borrowed in the way, and under the circumstances that they were that night—is it, in point of fact, I say, Gentlemen, within the scope of common sense, and a small portion, too, will be requisite, a very small portion—is it within the compass of common sense, for any man to devise a reason why these men of Strathaven should rob the house of that unfortunate man at that hour of the night, to seize the fire-arms, in the manner I have alluded to? They then go to the house of a merchant of the name of Cochrane; they tell him they are disappointed; they expected to find sixteen guns; they seize one from him, and get seven pounds weight of gunpowder, and twelve flints. For what purpose were those procured? Was it for the purpose of marching upon this road? Was it for the purpose of enabling them to have a grand field or parade day in Strathaven? Was that the cause? Is it possible that men of understanding are to be gulled by such observations as these? It is not possible.

What is next done? They return about one o'clock in the morning. What do they do? where do they go? They go to Mr Wilson's house, and ground their arms. In point of fact, they lodge the plunder of the night there. They, or another party, again go out,—for there are two parties, you recollect,—another party go out and perform the same operation. Then, in the morning, by break of day, five or six men are going into the back-door of Mr Wilson's, with guns. Where is Mr Watson, the standard-bearer of this armed band?—this loyal band, for they are going to assist the King—where is Mr Watson?—waving the flag at the door. They had no drum, but waving a flag is as much as beating a drum. He was waving his flag

at the door; well, but then he went in finally, and they all came out.

Let us stay to inquire for a moment what this flag contains. On the one side “The Strathaven Union, 1819.” Then this Union had subsisted some time in Strathaven, or it was a false date; but surely loyal men like these would not put a false date on their banner. Is it not then certain that this Union, composed of the sort of materials emitted from that house this morning, had existed for several months before? Is it not clear (Strathaven Union, 1819) their hearts were willing? They waited the occasion, and the occasion, unfortunately for that unfortunate man, occurred on the 5th of April. “Scotland free or a desert”—I seek not to inquire into the feelings or politics of any man, to me they are totally immaterial as they are to you, but I ask you, Gentlemen, what construction you will put upon that motto? what construction you, sitting under the sanction and obligation of an oath, to administer the law according to the facts of the case, will feel disposed to put upon that motto? Will you consider that that means any thing about vales, and hills, and verdure, and ships, and navigation, and commerce? If you do, I only say, that I differ with you; but that is no matter, you may, notwithstanding, be right; but I appeal to you, whether you can understand that in any other way than that construction which is to be drawn from the language of that document, and that document alone?

Well, Gentlemen, they march out from Strathaven, what do they do then? one or two of them is still unarmed, and therefore it is material, for the purpose of qualifying themselves for the expedition, to seize another gun if they can. They attempted Gavin Cooper's, a sturdy old Scotchman; he said, “I will not do it;” they then clapped their muskets to his breast, and astounded his man and maid; but he stuck to it,

and at last they struck off. That may be an argument against their being traitors, because they were cowards, but they went away without effecting their purpose. This was after they left Strathaven.

Then it is said, they marched eight or ten miles on the road, but then nobody knows, there is no evidence what became of them afterwards; but we will take it in the most favourable way for the argument of the other side. At Kilbride they separated—did they so? is there no reason for their separating? Gentlemen, when you, and when other men come into a Court of Justice, it is not expected you should leave your common sense at the door. Was it not clear from the information they had on the road, that all was quiet and tranquil at this place, and that the news they had received the night before was incorrect? and therefore these fifteen men could not expect to come here and do any thing against the military, or the peaceful part of Glasgow. Is it not clear that something or other came across their minds which rendered their further prosecuting that expedition preposterous, absurd, and ridiculous?

Now, Gentlemen, I pray you, was there an insurrection, accompanied by force? Does the seizing of guns—does the marching out from this place with a banner, under these circumstances—do all these circumstances shew an insurrection, or do they not? If they do, about which I shall not waste a single observation to you, for what purpose was it, in the language of Mr Justice Foster—in the language of Lord Hale—in the language of every learned Judge who has tried and discussed questions of this sort—*quo animo*, with what intention, with what design, for what purpose, did these unfortunate, deluded men march from Strathaven? Was it for any private object of their own? was it to advise or vindicate any

private quarrel? was it to do any insulated act? No—none has been pointed at in evidence, and none but that to which I have adverted has been suggested on the other side; because, surely, to tell you that this man might be marching out to assist government, is too idle—I mean no disrespect to the gentleman on the other side—he must make the best of bad materials; but it is too preposterous, too absurd for one moment to indulge in any hypothesis of that kind. Then if they went out for a general purpose, I say, in point of law, by all these authorities, it was a levying of war.

Then the next question is, if I have succeeded in convincing you, and if I have not, I shall not be sorry for it; but if I have succeeded in stating correctly the evidence before you, in my judgment it must appear there was a rising and insurrection, and that for a general purpose, and that there was a levying of war in some persons—then was that unhappy man at the bar implicated, involved in that proceeding, or not? Gentleman, I admit, if it shall be made out clearly to your satisfaction, that that man was acting under the influence of force—if what he did at that time was the result of personal terror—a well-founded personal terror or apprehension for his personal safety—if, in point of fact, you shall be of opinion that that apprehension continued throughout the whole of the line of march from Strathaven to Kilbride, at which place he appeared to be,—if you should be of opinion that the fear continued throughout the whole of that time, and if that was the first and the earliest opportunity he had of making his escape from that force, and he availed himself of it as early as he could, I admit distinctly and unequivocally that that is an answer to this charge.

Then let us see what are the facts of the case, as applied to Wilson. Wil-

son's house appears to have been the rendezvous of all these parties—the meetings take place at his house—he is the person to whom the message from Glasgow is sent—he is the person, in point of fact, at whose house all the consultations and deliberations of the preceding night take place, and which terminated in these nocturnal disorders and seizures to which I have alluded. It is somewhat surprising, if I may venture to judge of you by myself—I should think it surprising if ten or twelve traitors should come into my house and begin to make it the head-quarters, the place in which they were to consult and deliberate in their treasons—that they should go out in the middle of the night, and return in the morning with arms—that they should on the following day march out from my house, I being a loyal subject, with colours flying, armed as these men were armed—Is that, I appeal to your knowledge of life—I appeal to your understandings, whether a supposition of that sort is not so monstrous, so preposterous, as to be altogether unworthy of belief? Is it, I pray you, within the scope of human probability? is it a thing which is likely to have happened? and I ask you what you would have thought of it? Would not you have sent for the civil power? would not you have reasoned with them, and have said, Why, on what ground of impudence and audacity have you dared to come here to make my house a den of thieves, when you know I am a loyal man? You know you are preparing for acts of treason and revenge; therefore go to your proper associates, men who are mixed with you in the enterprise. Would not that have been the language of loyalty? Was that the language of the prisoner at the bar? Was that the language—would that have been the language of a loyal man? If it would, did Mr Wilson adopt it? was that his conduct or

his argument? If it was not, what then?—as Mr Wilson, if a loyal man, would have adopted a line of conduct directly opposite to that; and that he would, no two men would differ in opinion; what is the legitimate and fair inference from a line of procedure like that adopted by this man?

That is not all; you have the evidence of several individuals who were in the house the night before—you have the evidence of several men; and I do not mean to throw imputations upon these men; but I think, from the mode in which they gave their testimony—from the shyness which some of them exhibited, that at least you have not got more than is true from them. I think they have not exaggerated or set down aught in malice against Wilson. You have it in evidence from Shearer, from Steele, and from several individuals who were in the house the night before, when these matters were discussed; and one man was obliged to run away, because he would not join them, to avoid being run through with a pike. I ask you, what Wilson thought then? It appears the house was filled with a congregation of individuals throughout the night. Five or six men were seen in the morning going in at his back-door, which is entered by a ladder from the church-yard, a place, therefore, of secret approach, still treating this house as the head-quarters, as the house of the individual to take the command of this expedition, or it was nothing at all. Then they march out. Does Wilson march out under force? does he march out manacled or guarded, as the other man Mr Farey was? How does he march out? I think if I have company at my house, and I am the last person, instead of marching out five or six yards after them, I may shut the door and say I do not like this; these fellows have forced me as far as this, but I do not like it. Would not you have done

it, or would you have gone at all? I think not. Why hide the sword in his band? all of them say he had a sword; one man found the point sharp. "He had it here," he said; he only saw the handle; it is not likely the handle should be there and the rest at home; a sword may be as good with a wooden hilt as with a basket one, or any other. How did he march out? He marched out, it is agreed on all hands, and stated by the Glasgow hawker, Rownie; he admits he marched out the last in the rear; some say two or three yards, but uniformly they state Wilson was the last man of the detachment, and marched out with a sword in his hand in the manner I have stated. Is that marching out because I am compelled to march? What was the compulsion on his mind? where was it? we will come to it by and bye, and then you will see what a notable thing it was. But what is the evidence of Mrs Hamilton, upon whose veracity repeated attempts were made last night, without success? and my learned friend having recruited himself, again attacked it this morning, till he exhausted the subject; and then, in point of fact, he says, she is the sister of one of these men. What then? is there any imputation on her character or credit? You have that advantage which is a most valuable part of the constitution, of which you are a part, namely, of seeing the witnesses before you—of seeing their demeanour, and of having an opportunity of seeing whether the witnesses tell you the truth, and nothing but the truth, and the whole truth; you will have an opportunity of seeing and hearing what that woman said. You heard how she was cross-examined, was there an imputation attempted on her character? The poor woman had heard that an attempt was meditated upon her character, and she with that honest simplicity which belongs to truth and integrity, was in-

duced to bring two certificates—is that an objection to her? Certainly not. But what attempt has been made to throw any imputation on that female? she had a brother implicated—where is the evidence of that? We have the gratuitous assertion of the other side, that she has a brother who has left the country. I take my learned friend's assertion for any thing out of Court, but for nothing in Court. What does that woman say to you, Gentlemen? and if you believe her evidence, (and that you can disbelieve it, I cannot entertain the slightest apprehension)—what does she say? She was in the house on the morning of this presumed force and restraint. She was there among a party of individuals congregated for this expedition—she saw several persons she did not know, and she did that which is natural to female curiosity, or any curiosity; she says, "Well, James, what! are you going upon this expedition?" "Yes." Is that the language of force—is not that, in point of fact, the language of a man who was standing there as the head of, I do not know what to call them, but incipient traitors—traitors they were at that time, because at that time, if they had ceased, in point of fact, at that moment, they were all traitors by the act of the preceding night. But was not he set there, and what does he say? The arms they got during the night were the subject of complaint by many of them—they complain of their arms; and what does this man say, who was averse to Treason, who was forced out? According to the other side, he said, I am glad of it; you ought not to have any arms—arms! what, to subvert Government and the Constitution? No; "you may get arms in your progress—you may get two muskets at Scott's, one at Park-head, one at Hock, and at such a place—you may get a gun at Mr Cooper's." They attempted to do that,

Now, I pray you again, ask yourselves, turn yourselves into yourselves, and ask your own minds, whether a man who was about to be forced out on a subject of this sort would have used that language on the eve of their departure?

Well, what does he do?—He marches up the village along with these persons, still preserving his situation in the rear. Does he just see them out of the town? No; he is found at Kilbride, at a distance of eight miles, in the afternoon, and he goes to the house of a person carrying on the same trade, with whom he is acquainted. Now, I beseech you, attend to the language and conduct of this man at that time; and if you should be of opinion that the language and conduct of this man at that time shewed that he had been acting under the influence of permanent and durable force from the time of leaving his house till that time, I ask you, in the name of all that is right, and honest, and honourable, to acquit him at once. He goes in; he says nothing. I throw no imputations on that man. I could make strong observations on him. I could make observations on the evidence of Thompson, which would affect, to a certain extent, his moral character; but I abstain from doing it. What did he say when he went in? Nothing at all. He asked for a pipe. The man sent out his daughter for a loaf, and then he went himself for tea. During this time did any conversation take place? None at all. We talked about stockings, and new-invented stockings, pantaloons, and breeches; but not a word about the party that passed, except that he asked after the sons of a man of the name of Fleming, where they were. Having got an answer to that, his curiosity was gratified, and he ceased all further interrogations. I do not know how it is, but if I had seen a party of that sort, and seen an old

friend belonging to it, I should have put some questions on the subject, but none were put. Now see how that stands; after he got his tea, Thompson set him up the lane, or along the road, for a certain space, about a mile, he said. In going out of the house, the prisoner at the bar said, "Now, mind, if I should be called to account for this, you can be a witness that I was upon business here." Now, if he stated to us all that took place before, the only business was smoking, eating a roll, and taking tea; there was no other business he went through. You cannot call the talking about this hose business, because he was there by accident. What did Thompson say in reply to that? "I can say that you were here," negating his being there upon business. "If any thing happens whereby I should be called to an account, you will be a witness to prove that I was upon business here." "I can be a witness that you were here;" and he certainly was as good as his word, because at least he proved yesterday that he was not there upon business. Now, Gentlemen, that was a species of dilemma in which my learned friend felt himself placed by that sort of evidence. He argued in this way; says he, these were friends and acquaintances and neighbours, he did not like to say a word about it; and it was very unnatural that he should. Mark what he said to that hawker; "Why, James, this is a bad business." "Ah," says he, "it is; but I will get away as fast as I can." He did not say a word of that at Thompson's. Why did he turn off at Thompson's, if that was not the first opportunity for him to escape, because they had encountered people on the road? It was as clear as the sun at noon-day, when they arrived at Kilbride, that their expectations at Glasgow were at an end—that the foundation of that pinnacle of glory which they anticipated was sapped and taken from under



them, and therefore it was wise for them to take the hint and march off. What is that all to prove but the intention with which he went out? You have it in evidence, that he had a sword, which he sharpened by cutting the point a day or two days before; and you have, moreover, that this man's feelings and principles were of that loyal nature and description which the other side would have you believe.—What is the case of Mrs Hamilton the night before, when she said, “You are an old reformer?” What do you say to these things?—That was Monday night she was alluding to. Was it the first time this had been broached in mind or contemplation? What do you, an old reformer, say to these things? What did he say? “Why,” says he, “I hope they will win it.” Win what? When you talk of winning, you play for something; there must be some stake. When I talk of a contest, there must be some contest or emulation, or it would be idle. “Where so many lives will be lost.”—What does he say?—“They cannot be lost in a better cause.” That was the cause which they expected to win. Then it was a cause in which he thought life and death might be at issue; in which he thought there was to be a warlike competition—a warlike force; something which might entail upon the parties certain death and destruction. That, Gentlemen, is the evidence on the part of the Crown; and I ask you, whether, as it stands, you can have any doubt, with respect, in point of fact, to all these circumstances necessary to constitute this offence on the part of the prisoner at the bar?

The learned counsel then proceeded to shew the nugatory nature of the evidence which had been produced for the defence, and finally called for such a verdict as the judgment and consciences of the Jury might dictate.

The Lord President summed up the evidence very fully, making observations as he went along.

The Jury retired for two hours, after which they brought in a verdict of Guilty on the fourth count of the indictment, but recommended him to the clemency of the crown.

The Lord President undertook to transmit the recommendation, which was not, however, acted upon. The executive, judging it necessary that an example should be made, caused the sentence to be put in execution against Wilson.

July 24, 1820.

William McIntyre, Alex. Graham, John May, Matthew Bogle, William Campbell and George Allan, were put to the bar; but the Lord Advocate stated that, although he had evidence against them, yet as it did not appear that they were ringleaders, or proper objects to make examples of, he did not mean to produce any. Alexander Graham had previously given in the plea of *Guilty*; but it was not accepted of.

DUMBARTON, July 26.

The Court, consisting of the Lord President, Lord Justice Clerk, Lord Chief Baron, Lord Pitmilley, met here, and proceeded to the trial of *Robert Monroe*, cotton-spinner at Dumbarton. The charge against this man was, for having assisted at the manufacture of arms, with a view to their being employed against the King. The trial lasted two days, and in the end the Jury found a verdict of *Not guilty*. Mr J. P. Grant conducted the defence. Upon the verdict being read, the audience behaved rather indecorously, in expressing their satisfaction, and one person, who rendered himself con-

spicuous by cheering and clapping, was sent to jail by the Court. The evidence against the other five persons, formerly arraigned here, being similar to the first, the Lord Advocate declined prosecuting them, and they were all liberated.

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PAISLEY, September 1.

The Court sat here to try the prisoners accused of stopping the cotton-works at Johnston and its neighbourhood, on the 3d of April last, when John Speirs, a leader on that occasion, was put to the bar. After a trial of nearly forty hours, the Jury found the prisoner guilty of striking work himself, and of compelling and persuading others to do so; but the Court informed them, that, as this only amounted to a misdemeanour, the verdict could not be received on a trial for High Treason. The Jury were afterwards enclosed three different times, and returned amended verdicts; their last was *Not guilty*. The prisoner was then dismissed from the bar. John Lang was then brought to the bar, but the Lord Advocate declined to bring witnesses against him, and he was also discharged.

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AYR, September 9.

The business of the Special Commission was concluded here this day, when Thomas Mackay, one of the prisoners, retracted his former plea and pleaded *Guilt*. The Lord Advocate, considering that the ends of justice would be sufficiently answered by the convictions which had already taken place, declined proceeding against the remaining three prisoners, and they were accordingly discharged. Mr J. P. Grant acted as counsel for the prisoners, both here and at Paisley and Stirling.

After the business of the Court was concluded, the Lord Advocate rose and expressed his satisfaction that the Commission was now ended, except in so far as it related to those who had escaped the hand of justice.—Bills had been found against no less than 98 individuals; of these 51, the principal ringleaders, had escaped apprehension, and of them he would say, that if they ever presumed again to shew their heads, trusting to the conclusion of the Commission, they would be miserably disappointed, as the proceeding against such as had fled would be removed into the Court of Justiciary, for the purpose of obtaining an outlawry against them, which, in the case of treason, was tantamount to a verdict of *Guilt*. There had been only two acquitted after trial, and although he did not wish or intend to call in question any verdict of a Jury, he must say that there was much doubt as to how far one of these acquittals was founded on sound principles of law; and a certain distinguished individual, who composed one of that Jury, had expressed sentiments somewhat similar. Of those who remained, there were 24 on whom capital sentences were pronounced, and he was much afraid that, out of that number, some examples must of necessity be made. The remaining 21 were acquitted without trial. The Learned Gentleman hoped that the manner in which he had treated the different prisoners would give satisfaction; and he did not doubt that much good would be derived to the country from the late trials, as the picture which had been exhibited to them of the pure justice administered in this land must have the effect of rendering them more loyal, by giving them a higher idea of the excellence of the Constitution. Still, however, the country would require to be looked after, and for this salutary superintendence he would trust to the vigilance of the Magistracy.

## TRIALS FOR LIBEL.

DAVISON FOR LIBEL IN THE REPUBLICAN, AND DEISTS' MAGAZINE.

COURT OF KING'S BENCH, Oct. 23.

THIS was an indictment upon the prosecution of the Society for the Suppression of Vice against the defendant, a printer in West Smithfield, for publishing, vending, and uttering certain profane and blasphemous works, being the 9th number of a publication called "*The Republican*," and the 1st number of another publication, entitled "*The Deists' Magazine*."

Before the Jury were sworn the defendant rose, and requested that each gentleman might be severally asked, whether he was, or was not, a member of the Society for the Suppression of Vice.

Mr Justice Best declined putting that question to the four special jurymen who appeared; but had no objection that it should be addressed to the taleymen.

The question being put, the whole of the Jury answered it in the negative.

Mr Guiney opened the case. The learned Counsel dwelt upon the open, nay, the ostentatious manner, in which the most pernicious doctrines were at the present day promulgated; and insisted upon the absolute necessity of prosecutions in order to protect the best interests of society. He concluded by reciting the objectionable passages in the works impeached, which were contained in the 138th page of "*The Republican*," and in pages 1, 7, and 10, of "*The Deists' Magazine*."

Joseph Branscomb and Andrew Frayley, agents of the Society for the Suppression of Vice, proved the purchase of the books in question on the 4th

February, 1819, and on the 1st April, 1819.

The libels were then put in and read. The passages complained of are too long for insertion. Those in "*The Republican*" declared the existence of a just and equitable code of laws to be incompatible with the existence of the Christian religion; and those in "*The Deists' Magazine*" proposed to refute the falsehoods, absurdities, and impossibilities set forth in the Holy Scriptures.

The defendant said, that, for want of means to employ either Counsel or Solicitor, he pleaded for himself. The Jews, the Quakers, and the Unitarians, had been persecuted in the first instance; they had afterwards been tolerated. The same fate would attend the followers of Deism. Let the Jury remember, that at one period they would have been tortured for professing the very Protestant faith which they were now called upon to defend; let them reflect that the remorseless inquisitorial feeling which had instituted the present prosecution, was the same feeling which had lighted the murderous flames in the days of Queen Mary, and had filled the dungeons in the reign of Elizabeth; and better it would be, and more merciful and more humane, to burn him (the defendant), his wife and children, in Smithfield, than to send them to prison, destitute of all means of existence, and debarred, by confinement, of all power of acquiring those means. It had been said, that the man who pleaded his own cause was a fool. The fact might be so; but he thought it better to take that course than to hire a barrister to make a sham defence; for that which was the honest defence no

counsel could be prevailed upon to set up.

Mr Justice BEST would not suffer so scandalous a charge to be brought against the gentlemen of the bar.

The defendant.—My lord, you must not interfere with my defence.

Mr Justice BEST.—Mr Davison, I should be extremely sorry to use the power with which this seat invests me. If you think that my power extends only to removing you from the Court, you are mistaken; I have the power of fining you whenever you transgress the bounds of decency, and I will do so if you presume again to offer any insult to me or to the profession.

The defendant.—If your dungeon is ready, my lord, suffer me to give you the key.

Mr Justice BEST.—I fine you 20l. for that expression.

The Jury continued.—The Jury had heard of vicious practices, and of vicious tendency. Why was all this weight of accusation to fall upon the needy and the low? Why did they not prosecute the titled blacklegs, the demireps of fashion? Why try to purify the streams when the sources were corrupt? The matter complained of in the *Republican* was contained in a letter published in that journal, purporting to be addressed by a Mr G. Smith, at Peterborough, to Mr Carline. Since the publication he had made inquiry, and had found that no such person as Mr Smith was known at that place. Probably some infamous agent, some Edwards, some Franklin, had written the letter first, and was prosecuting for it afterwards. The defendant then contended that every sect had a magazine of its own; and that the Deists were entitled to the same privilege; and went on to treat the Bible as a work contrary to the honour of God, and destructive to the best interests of society.

Mr Justice BEST.—I cannot endure

this. The empire of the laws must be vindicated or abandoned, and it shall not be abandoned in my person. I will not sit in this place and hear the religion under which I am sworn to administer justice scoffed at and insulted. I fine you 40l. more, sir, for that offence.

The defendant.—Then I must leave myself in the hands of the Jury.

Mr Justice BEST.—I have submitted with patience to hear myself insulted, and persons aspersed who are not present to defend themselves; but I must not hear the religion under which I am acting reviled. You must and shall conduct your defence with decency.

The defendant read through the libels in question; and afterwards read certain passages from Nos 3 and 4 of "*The Deists Magazine*," with a view to shew that it was a work dedicated to polemical discussion, and open equally to either side of the argument. He continued.—The Deists were attacked; how were they worse than the Christians? Look at the murderers, the thieves, who were, Heaven knew, too frequently executed at the old Bailey; what were they? Christians. They all died in Christian principles. No wonder, for the dissolute and the depraved were too idle to become Deists, or to think for a moment upon any subject. But what were the higher orders who had the power of thinking? What were the lords and the bishops? Infidels, sceptics all.

Mr Justice BEST.—The defendant is asserting that which he knows to be false, and I am determined not to hear these calumnies. Justice shall not, in her own sanctuary, be insulted and defied. I add 40l. more to the 60l. which I have already fined you; and remember, whatever becomes of this cause, those fines must be paid.

The defendant proceeded.—He was not worth 10l. in the world; that he

should pay the fines was impossible; but he must go on with his defence. He would not offend the learned Judge if he could help it.

Mr Justice BEST.—Do not suppose it offends me; it is too contemptible.

The defendant said that he spoke of the principles of the great from the selection of their libraries. He thought it impossible to select works of greater fidelity than those of Hume, of Gibbon, of Shaftesbury, of Burgess, and of Bolingbroke; and concluded his address to the Jury with occasional extracts from those authors.

Mr Justice BEST proceeded to deliver his charge. No man, he said, could be more firmly convinced than himself how absolutely necessary it was for a judge to keep his temper in every case that came before him. Where a defendant thought fit to plead for himself, he placed the judge in a delicate situation. A judge so circumstanced would naturally be disposed to bear perhaps even more than ought to be borne, but even to that forbearance there must be a limit. That limit passed, how was he to act? If he used the power of commitment, it might be said, and fairly said—had the defendant been allowed to go on, he might have induced the Jury to acquit him. Under such circumstances no verdict of guilty could be satisfactory; and the law, foreseeing the difficulty, had given to judges on the bench a power to fine such persons who should offend against decorum, who should wilfully insult the law or the religion of the country—the government or the ministers of that government—when the conduct of such ministers was not at issue in the cause. In the course of the day, the learned Judge continued, he had thought it his duty to inflict four several fines upon the defendant; which fines, unless he (the Judge) remitted them, that defendant would be compelled to pay. The object of those fines was answered; the inundation of

blasphemy which threatened the Jury had been arrested; enough had been done to shew the power of the Court; the fines were now remitted, and, with whatever warmth his feelings might have been expressed, those feelings should in no title prejudice the case of the defendant. The question resolved itself into this:—Was an attack upon the established religion of the country—was it, or was it not, a blasphemous and a profane libel? That which he believed to be the law of England upon that point he would state to the Jury. Every man had a right to state that such or such an opinion, no matter whether a tenet of a particular sect or of the established church, was an erroneous opinion, and to support his assertion by any arguments which he could call to his assistance. Further than this, however, discussion could not be carried. Decency of expression must be preserved; and received or tolerated opinions must not be treated with contempt. Persons were at liberty to put their own construction upon the texts of Scripture; but the truths of Scripture could not be disputed. He (the learned Judge) thought, as far as his personal opinion could go, that men might safely trust to the truth of a religion which had endured during a period of eighteen centuries, which had been trusted and professed by such men as a Newton, a Locke, a Boyle, and a Johnstone, and which formed the foundation of every institution most valuable, most invaluable, to the country in which they lived. The offending matter in the 9th number of the “Republican” was couched in the shape of a letter, from some person calling himself Smith, to a man of the name of Carile, who was even at the date of that letter suffering under the sentence of the law. The Jury had heard that letter read; it declared that a people, if they would be blessed with a perfect government and an equitable code of laws, must

renounce the Bible as the word of God. That single assertion he should deem sufficient. He had read the works of Hume, of Gibbon, of Bolingbroke, and of other writers, whose example had been relied upon by the defendant; and even those names he would use as an argument against him. Those writers had questioned the truths of Christianity, but every one of them had admitted the excellence of its morality; so far indeed from holding it to be inconsistent with morality or liberty, many of them had insisted that its principles did not originate with the great Founder of the system, but were borrowed by that Founder from the philosophers who lived before him. His lordship would send the case to the Jury upon one single point. If they thought that the works in question were fraught with scurrility, with abuse, and with vituperation against the established religion of the country, then it was their duty to find the defendant guilty; if they thought that those works were specimens of fair argument and of temperate expression, they would pronounce a verdict of acquittal; if they doubted, to the benefit of that doubt the defendant was entitled.

The Jury, without hesitation, found the defendant *Guilty*.

*November 15.*

MR COOPER moved for a rule to shew cause why the verdict of "*Guilty*" should not be set aside, and a new trial had. The grounds upon which he addressed his motion to the Court were, the learned counsel said, equally novel and important. He held in his hand an affidavit of considerable length, which it would be his duty to read to their lordships. The affidavit set forth that the deponent, being a poor man, conducted his own case at the trial, and that in reading a written defence he had the misfortune three times to in-

cur the displeasure of Mr Justice Best, who thereupon fined him three several times, such fines amounting together to 100l. That he (the deponent) being informed by the Judge that, whatever might become of the cause, the fines must be paid; and having a wife and children at home, who might, by the levying of such fines, have been turned into the street, became troubled and intimidated, and incapable of proceeding in his defence. That not knowing what might, or might not, offend the learned Judge, he became afraid to proceed with his written paper; and did, in consequence, omit and fail to state to the Jury many parts of it which might have given a favourable colour to his case, and against which no moral, legal, or religious objection could have been urged. The deponent further alleged, that, but for the interruption he experienced, he should certainly have made an impression upon the Jury, and probably have succeeded in obtaining a verdict of acquittal. The first fine of 20l. had been occasioned by the defendant's asserting that, in a case like his, no counsel would make an honest and a manly defence; the learned Judge interfered, and the defendant then said, "My lord, if your dungeon is ready, suffer me to give you the key." He (Mr Cooper) did not mean to deny, he could not be so absurd as to deny, that a Judge had the power of fining for contempt, but then that contempt must be open and express; it must be something either bringing the Court itself into contempt, or obstructing its proceedings. In this, the first instance, at all events, no such act had been committed. With respect to the passage which had produced the second fine of 40l., his learned Counsel did not hold himself bound to defend the principles which that passage contained. It was the passage in which the defendant treated the Bible as a work contrary to the honour of the Deity, and subversive of the

interests of society.] That passage, as it appeared to him, merely described the causes which brought the Deist into disrepute with the Christian; simply meant—a Deist is not a Christian; and how that passage could fairly draw down a fine upon the head of the defendant, he (Mr Cooper) was at a loss to imagine. The third passage which had proved offensive to the learned Judge was that in which the defendant had declared that the higher orders of society were sceptics.

Mr Justice BEST.—Those were not the words; the words were these—“the nobility are blacklegs, and the bishops infidels.”

Mr Cooper could only speak from his affidavit. The words of his affidavit were those which he had read; and upon those words he was bound to contend that there was, at least, nothing new in imputing scepticism to the higher classes of society. It was impossible to take up any essay upon political or moral economy, without finding the vices and bad conduct of the poor imputed, in a great measure, to the laxity and evil example of the rich. In neither, then, of the three offending passages, the learned gentleman begged to say, could he find any cause for the imposition of a fine; nor was he aware that in any case, such a power could be exercised by a judge at *Nisi Prius*. He had been able to find no instance in which such a power had been claimed; and he had found the strongest negative authority to shew that no such power did exist. Upon principle, however, independent of all precedent, he should contend that the right of imposing fines, the amount of which would be limited only by his own pleasure, was a power too dangerous to be intrusted to any Judge. Let their lordships look at the effect of such a power. Let them imagine a man put upon his trial, say for sedition, or for treason, and conscious of his innocence—let

them suppose such a man having left to his wife and to his infants, to those objects which frequently made the best and firmest men mere slaves and cowards, a provision, a sustenance, in case of the worst. Let them take such a being coming fearlessly into Court, and boldly attempting to acquit himself of crime; and let them view that man carped at, cavilled at, attacked by such judges as England had seen, and as Heaven forbid that England should ever see again. Let them follow the trial, and see him stopped in his defence, told “I fine you a thousand pounds for what you have said; and, if you offend again by what you say, I will fine you a thousand more; and remember, whatever happens to the cause, your fines shall be paid.” Let their lordships put themselves in the place of a man so situated; a prison, perhaps the block, menacing himself on the one side; beggary, hunger, and desolation, threatening his helpless family on the other. How would such a man act? Would he hesitate one moment, as the lesser evil, to sacrifice himself? He would not hesitate. If he were a man, he could not hesitate. He would wave all resistance, and submit to the iniquitous verdict which would be pronounced against him. If their lordships did sanction this proceeding by fine, such a thing as a bold and spirited defence would never again be heard in a court of justice. By no means, however, did he propose to contend against the right of a judge to commit for improper conduct. Not only was that practice fully recognised, but it was, as compared with fining, a mild and charitable course. A man interrupted in his defence, and sent to prison, would have leisure to reflect upon the impropriety of his conduct; he would have time to purge his defence of the objectionable matter, and would come again, in a reformed state, before the Jury who were to convict

or to acquit him. But the repetition of fines overwhelmed a defendant altogether; he became agitated at what had passed, he dreaded what was to come; he found that some parts of his defence were objectionable, and he had no time to separate that which was dangerous from that which was likely to do him service; and the consequence must be, as it had been in the present case, that he would become incapable of doing justice to himself, and that a verdict would inevitably be taken against him. From the course which Mr Justice Best had taken on the trial, of remitting the fines before he summed up the evidence, it did appear to him (Mr Cowper) that his lordship, at that time, felt some doubt as to the correctness of the course which he had been pursuing. The remission of those fines he could not but consider as evincing some uncertainty in the mind of the Judge; and upon that uncertainty, as well as upon all known authority, and all received and acknowledged principle, he prayed the Court that a new trial might be granted.

Mr Justice Best.—As I should be the last person in the world to seek to preclude the defendant from the benefit of a new trial, I shall not intimate to my learned brothers any wish upon the subject; and, indeed, but for the last argument employed by the learned counsel at the bar, I should have remained silent altogether upon this question. In answer to that argument, I beg to state most distinctly that my remission of the fines imposed upon the defendant arose from no doubt of my authority to inflict them; I never did entertain the slightest doubt upon the subject; and, until I am told by the House of Lords that I am wrong, I believe I never shall. That part of the case I now dismiss altogether; but I will endeavour briefly to state, as they really occurred, the facts which the defendant has mis-stated in his affidavit.

The defendant began his address to the Jury, with a view to provoke me into doing that which has since been suggested by his counsel—to commit him. I suspected his design at the time, and what has passed since confirms me in my opinion. I thought that for gross contempt I had power to punish by fine or by imprisonment; and I preferred the former, because it left the defendant in a situation to proceed in his defence. If it be true that I made use of my power for the purpose of intimidation, I am responsible for the wrong; I am ready to answer it; and I say, that if any judge could be capable of using such a power for such a purpose, he is unfit to remain one hour longer upon the bench which he disgraces. That which I did I thought myself bound to do by the oath which I had taken. If I have done wrong, God forbid that the defendant should not have the benefit of my error. But it was not in consequence of any doubt that I remitted the payment of the fines. I had stopped the reading of a paper, which, from the sample I had had of it, appeared to be full of blasphemy and libel. The defendant had apologized for his fault; and he had stated that, which of itself was a sufficient inducement to what I did—he had stated that the fines would condemn him to imprisonment for life.

At the conclusion of Mr Justice Best's explanation, Mr Justice Holroyd came into court, and the three judges, the Lord Chief Justice, Mr Justice Bayley, and Mr Justice Holroyd, conferred together for near 20 minutes.

The Lord Chief Justice.—As at present advised, I have not the slightest doubt of the power of a judge sitting *à Nisi Prius* to commit for contempt of court, nor have I any doubt that it is competent to a judge, and sometimes is his painful duty, to impose fines upon a defendant, if he can in no other way restrain him from converting his de-



fence into an attack upon the law or the religion of the country. But it is said by the defendant, that the fines imposed upon him intimidated him from pursuing that which would have been a legitimate line of defence. Of this we cannot regularly and judicially judge, unless we had before us the indictment, the evidence, and all the previous circumstances of the case. For the purpose, therefore, of having the facts before the court, and of discussing a question which is in itself of great importance, we shall grant a rule to shew cause, with an understanding that it is to come on in the present term.

#### COURT OF KING'S BENCH.

November 28.

Mr GURNEY moved the judgment of the Court on Davison.

The defendant put in two affidavits; the first from Mr George Canning, speaking to his intimidation on the trial, and to his general good character; the second from himself, repeating the matter contained in his former affidavit upon which the rule nisi was granted; referring to an appended paper, which contained that legitimate deference which he had been precluded at the trial from employing; and affirming that he had sold the second publication, the *Republican*, in common with every news-vender in London.

Mr Justice BAYLEY, in pronouncing the justice of the Court, adverted to the ground upon which the rule nisi for a new trial had been granted. Looking at the nature of the libels in question, it appeared to his Lordship that the defendant could entertain no hope of acquittal, except by shewing that he was not the publisher of them. The course taken by the defendant had been entirely opposite; and it was the full opinion of the Court that he

had not sustained the slightest prejudice from any thing which had passed at the trial. The learned judge then went into an eloquent exposition of the truths and merits of Christianity, and dwelt upon the dangerous tendency of libels like those in question, which attacked religion for political purposes. The sentence of the Court was, that the defendant should be imprisoned in Okeham gaol, in the county of Rutland, for a term of two years; at the expiration of that period to find securities, himself in 200*l.* and two other persons in 20*l.* each, for his good behaviour, during a further term of five years; and to be imprisoned until such sureties should be found.

#### COBBETT FOR LIBEL ON CLEARY.

#### COURT OF KING'S BENCH.

December 5.

Mr Chitty opened the pleadings. Upon the 10th of April, 1808, the defendant, William Cobbett, wrote a letter to Mr James Wright, containing certain reflections upon the character of Mr Henry Hunt. The letter so written was read upon the public hustings by Mr Cleary at the Westminster election in 1818. The defendant then, notwithstanding his having written the said letter, published in his *Register* of the 5th September 1818, a certain libel upon the plaintiff, intimating that the letter which the plaintiff had read as his (Cobbett's) letter had not been written by him, but that it was in truth a forgery, and that the plaintiff had been concerned in forging it. There were other counts for general aspersion of the plaintiff's character, and the damages were laid at 3000*l.* The defendant pleaded that he was not guilty.

Mr BROUGHAM observed, that there needed but to name the defendant, William Cobbett, to bring before the court the man of all others whose attack upon individual reputation was the most to be dreaded: a man whose talents it was scarce possible to overrate; whose abilities could only be exceeded by the zeal with which he exercised them; and even whose zeal was hardly so remarkable as the utter unscrupulousness with which, upon any and every occasion, he threw his tremendous powers into action. The comparatively unprotected individual who now appealed from the defendant to the jury was a gentleman little known to the world, a native of the sister kingdom; and, in fact, almost a stranger in the country in which he lived. Since his arrival in England, Mr Cleary had taken part in the politics of that part of the empire in which he had become resident; and being an elector of Westminster, he had exercised the invaluable franchise which he possessed rightfully and conscientiously. In the course of his political efforts he had become connected with Major Cartwright, a person whose long and laborious life, and uniform inconsistency—Mr Brougham begged the worthy Major's pardon, consistency he should have said, but he was thinking of another individual, whose inconsistency was as obvious as the Major's uniformity—but whose laborious life and steady adherence to one class of principles could not fail to command the respect of those who, widely perhaps, differed from him as to the soundness of his doctrines. Living, however, in habits of intimacy with Major Cartwright, and enjoying the hospitality for which that gentleman was celebrated, it was natural that Mr Cleary, when his friend was proposed for Westminster, should be found in the ranks of his supporters; and out of the plaintiff's exertions upon that occasion arose the libel for which he

now sought reparation. But why should Mr Cobbett ~~complain~~? Was that a singular coincidence? Was that the only instance in which such change might be observed in Mr Cobbett's mode of dealing with his friends? Was Mr Hunt the only man whom Mr Cobbett had on one day wantonly abused, and on the next as lavishly praised? Was there no little lapse of time to justify his change of opinion? Surely that was not a transition worked within a few months or a few days; and those who enjoyed the instruction, and amusement, and the pleasure,—for instruction, and amusement, and pleasure it must be to witness the play of great talents in whatever way those talents might be exercised;—those who enjoyed the delight of reading Mr Cobbett's writings and opinions, not only for a course of years, but even for a course of weeks, not only for a course of weeks, but even for a course of days, not only for days but hours, not only for hours but minutes—for instances of variance might frequently be discovered even in one and the same paper—surely all such persons must be aware, not only that inconsistencies in that great writer were things of common occurrence, but that it was in inconsistency only that he could hope to be consistent; and that if once consistent, he would be still more inconsistent than he had ever been.

The LORD CHIEF-JUSTICE observed that the present case was limited to those papers which contained the libels in question.

Mr Cobbett wished Mr Brougham to have full scope.

Mr BROUGHAM continued.—The letter being a forgery, Mr Cobbett had no cause to be alarmed at it; but his rage was whetted; and in an article first addressed to the *New York Evening Post*, (the writer being then in America,) and afterwards published in England, he proceeded to attack Mr

Cleary. The language was this :— " Now, though you doubtless would not forge a letter for so base a purpose, yet I declare that you have republished a forgery. I declare that this letter is a forgery ; and I accuse Mr Cleary before the people of America, as I have done in my *Register* sent home before the people of England, of having forged this letter, or, what is the same in point of baseness, with having obtained it from a man who had forged it, and which man he well knew to have been guilty of forgery by writing my name for fraudulent purposes many times." The Jury no doubt were many of them aware that Mr Cobbett's manner of writing,—and a most powerful manner it certainly was,—did not limit him to the narrow stint of a single assertion against the man whom he attacked ; but that his plan,—most judicious for the accomplishment of his peculiar object, whether it were the inflicting pain upon any given individual, or the inculcating of any particular axiom as truth—his plan was,—constantly repeating and dwelling upon the same point, never ceasing his attack until he had made his impression, never losing sight or hold until the subject in his grasp was destroyed or torn in pieces—to reiterate again and again the same charge, sometimes in varied phrase, and sometimes in the very same words, made more powerful by the repetition, until the idea of fact involuntarily associated itself with the so often repeated accusation, and belief was half extorted by the obstinacy of asseveration. Here, however, the clear and definite charge was the forging of a letter, or the uttering of that letter knowing it to be forged. If that charge had foundation, the evidence of its truth must be in the hands of the defendant. The proceeding being by action instead of by indictment, there was an opportunity at once afforded to Mr Cobbett of justifying his own asser-

tion, and of establishing, beyond doubt, the criminality of the plaintiff. Of that opportunity, however, the defendant had not thought fit to avail himself ; for the plea upon the record was merely not guilty. He therefore substantially admitted the authenticity of the letter which he had declared to be a forgery ; and only put the plaintiff to prove the publication of the libel. To anticipate the line of defence which Mr Cobbett would adopt, the learned counsel was unable. All topics were open to him ; but there was one to which, for the sake of higher interests even than those of the plaintiff in the cause, Mr Brougham did trust that the Jury would most cautiously listen. If any thing were said as to the freedom of discussion, if one word were spoken about the liberty of the press, then the learned gentleman would beseech the Jury, even for the sake of that free discussion, for the sake of that invaluable liberty from which so many blessings were derived, to remember, that no advocate of those rights who still retained his senses, no champion of the most unrestrained liberty that ever could be imagined, had ventured to demand, or been insane enough to hope for, the power of attacking with impunity, by all means fair or foul, by all statements false or true, the characters of private—no, nor of public individuals. The learned counsel would give to Mr Cobbett, and to all men who wrote for the public, the most ample, the most extended range. They should make choice of all opinions, of all principles, and of all subjects ; of the establishments which embodied, and of the institutions which supported them. Let them use every device which could conduce to the eliciting of truth, and let them use those means without control. Let them use invective and it should be called sarcasm ; ribaldry, and it should pass for wit ; buffoonery, and it should be accounted playfulness :

let them from month to month, from day to day, any even with as rapid change as night could follow day, or light succeed to darkness, let them blacken or illustrate character; but let their range have still one limit, and let that limit be the truth.

Several witnesses were called to prove the letter to be in Mr Cobbett's hand-writing.

Mr Cobbett stated his reasons for pleading his own cause, and complained of the treatment he had received from Mr Brougham. Mr Brougham had described him as a man without scruple; as a sort of libeller surpassing all other men. From first to last he had been a writer, and often a publisher of his own writings; he had been a writer for twenty-eight years in England and in America; and yet, with all his over-zeal—and he wished to heaven some people had recently shewn as much zeal as he was taxed with—but, with all his excess of zeal and lack of scruple, he had never, in the course of twenty years' writing in England, been subjected to an action for libel, until the present action had been brought by a set of conspirators; and conspirators he would prove them before he had done with them. Mr Brougham ought to have known that; indeed he did know it; and therefore his zeal, for once, for his client had caused him to overstep that which he knew to be true. In England, he repeated, he had never had an action against him; and in America, only one; that was for a libel upon a physician whose son had afterwards been ambassador to Great Britain. The physician had sworn that he lost practice to the amount of 200,000 dollars per annum; and 5,000 dollars damages had been given against him (Mr Cobbett); but the people had paid the money; and he (Mr Cobbett) had done a service to the country by rescuing the people from his abominable medi-

cines. The charge of Mr Brougham affected him far more seriously than the loose and contemptible ribaldry of Mr Cleary. Twenty years had he lived in England; he had not suffered the ground to grow under his feet; scarce a week had passed but he had written something; and yet he had never before had an action against him for libel. There was not a newspaper, not a magazine,—no not even the *Evangelical*—that could say as much; and, to mark him out as a libeller! As for the prosecution by the Attorney-General, he (Mr Cobbett) could only say, that it had done him no harm. It had given him leisure indeed, and he had written and revised many things during his confinement. He had gone into prison sound; and he had come out sound; and his seven years of recognizance had expired. Look at the *Times* and the *Chronicle*, and the other newspapers; look at the magazines and the reviews; even the *Edinburgh Review*, with all its clish-ma-claver, had not been free; but it had crept out of consequences by those softening arts which the northern gentlemen knew so well how to adopt, while southern stupid fools ran their heads into a gaol. With respect to the protection of private character, that subject had been improperly introduced. Mr Cleary was not a private individual; he was a public character, a political character; he had been mixed up with Major Cartwright, whom he had hoped to have seen put into the box by Mr Brougham;—Mr Cleary the associate of Major Cartwright;—yes, as a bug might be said to be a man's bed-fellow. Mr Cleary was the last man whose private circle or whose domestic fire-side was liable to interruption. In order to shew how improbable it was that the harmony of this man's home should be disturbed by the writings in question, he would for a moment or two advert to his first appearance on the stage of

English politics. In the year 1812 he came over from Ireland, acted for some time as clerk to a scribbler, and became what the French called *sous secrétaire*. Instead of imitating many of his worthy countrymen in industriously sweeping cross roads, or aiming at the post, for which he (Mr Cobbett) did not mean to dispute his qualifications, of a tight little fellow of a footman, he contrived to get appointed secretary to the Hampden Club. For what he did, or did not, in that office, it could be proved by Major Cartwright, in direct contradiction to the plaintiff's statements, that he received pay. It might be easily supposed that he was soon enlisted under the banners of Major Cartwright, and little wonder would arise, at hearing, that he very soon after assumed the capacity of an apostle of reform, with a bundle of lectures in his pocket, and, in the comfortable conveyance of a horse and gig, he commenced his travels through the country.

**THE LORD CHIEF-JUSTICE.** — I think, Mr Cobbett, you are now descending too much into particulars.

Mr Cobbett assured the Court that his only object was to satisfy the Jury that the plaintiff was unworthy of any damages.

**THE LORD CHIEF-JUSTICE.**—My only doubt is, whether you are not entering more minutely than any supposed necessity of the case requires, into circumstances which the Court and Jury cannot receive upon your unsupported statement.

Mr Cobbett said, his intention was to show, that this very Cleary had, notwithstanding his professions, declared himself ready to be the executioner, and had perhaps led to the execution, of the unfortunate men who perished upon the scaffold in Derbyshire.

**THE LORD CHIEF JUSTICE.**—I cannot listen to this; what relevancy has it to the question before the Court?

Mr Cobbett said he was prepared to show, that the plaintiff was paid for travelling, with a view to the institution of country Hampden clubs. Of these societies, as well as of all other political clubs, he had never disguised his disapprobation. For his own part, he had never, during the whole course of his life, encouraged or assisted the formation of one single little nest of the kind. Under all the circumstances, as they now appeared before him, relative to the authenticity of the manuscript, he was not inclined to deny that the letter in question was in his hand-writing. Several of his friends, to whom it had been submitted, were of that opinion, and they were better judges upon that subject than himself. But then, exclaimed the learned gentleman, Ah! we have here detected you in a breach of veracity!—Indeed! and how have you done so? A part only of this letter was read from the hustings in Covent-Garden. Had the whole been read, with its date, and the name of the party to whom it was addressed, he might, perhaps, although the letter was written ten years before, have recognized it. If the whole letter had been read, he would venture to say, that not a sentiment would be found in it, which, in any point of view in which it might be regarded, would not do honour to its writer. But then see the malignity of the wretches; how they harped upon the word “forgery;” forgery, forsooth, and breach of veracity: and in all this harping they were backed by the learned counsel. Now, in spite of all this outcry, he would still maintain that it was a forgery, and that four persons out of five would so consider it. In what did forgery consist? Not merely in the insertion, but in the omission, of a single word or figure—in any alteration which increased or diminished the effect, which went to make a changeling of the original subject. No man of sense or ho-

sour, therefore, could entertain the slightest doubt of his veracity. He had been reproached with versatility: all he could say was, that he had endeavoured to go from good to better, or at least from bad to good. Perhaps there were some at that bar whose versatility was equally notorious, and consisted not in any regular progress, but going backwards and forwards, and in perpetual shifting and changing. The plaintiff had been called a mild inoffensive person, but he would wish to guard the Jury against mistaking feebleness for mildness. He trusted the Jury would not consent to be made the instruments of plundering him and his family of the little which yet belonged to them, although he would work to the last before he would knuckle one moment to authors of as black and treacherous a conspiracy as ever disgraced the human character.

Mr Brougham submitted that he was entitled to reply, on the ground that the defendant had introduced many statements, constituting, in fact, a continued aggravation of the libel.

The Lord Chief-Justice refused to accede to this application, and immediately summed up the evidence with his accustomed impartiality and precision.

The Jury retired for three quarters of an hour, and then returned with a verdict for the plaintiff—Damages 40 shillings.

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COBBETT FOR LIBEL ON WRIGHT.

COURT OF KING'S BENCH.

Monday, Dec. 11.

The cause being called on, Mr Cobbett rose and intimated to the Court that he intended to withdraw his plea of justification.

Mr CHITTY opened the plea. The libels charged were three in number, and consisted of certain paragraphs published in the *Political Register* of the 4th of January, 1817, March 6, 1819, and Jan. 6, 1820. These paragraphs severally charged the plaintiff, Mr Wright, with forgery and with fraud, and described him as an individual to be held up to the horror of mankind. The plea of justification (asserting that the charges contained in the libels were true) being withdrawn, the defendant stood upon the general issue.

Mr SCARLETT, in opening the case, stated that the plaintiff, Mr Wright, of whom, excepting professionally, he knew nothing, had been introduced and recommended to him by persons of the highest rank, and of the most illustrious honour. He was therefore justified in saying, that he was a man respected and intrusted by those persons whose confidence and respect gave weight to a man's character, and that neither fraud nor falsehood had ever been imputed to him, except by the defendant, upon the record before the court. Mr Wright was known to the world as the editor of the *Parliamentary History*, the *Parliamentary Debates*, and of other works of great learning and utility. Those works which had been originally introduced to the public under the shelter of Mr Cobbett's name, were conducted, in fact, entirely by the plaintiff. To introduce the defendant to the Jury would scarcely be necessary. During many years no person had been more the object of public notice than William Cobbett. By his writings that individual had made himself known in every part of the globe where the English language was known or spoken; and far was he (Mr Scarlett) from wishing to insinuate against a man of undoubted talent more than his duty to the plaintiff absolutely demanded. This

he would say, that he possessed such talents for writing as during a long term of years had been unparalleled in the history of the literature of the country—powers which, whether employed for a good or a bad purpose (and frequently they were employed for purposes apparently quite inconsistent with each other), always enabled him to handle his subject with force of argument, and with dexterity of expression,—perhaps in a more eminent degree than any writer ever known. Mr Cobbett possessed power over the minds of the lower orders, and he was indebted principally for that power to the knack which he had of mixing up in his compositions, coarseness, occasionally with feeling and truth, sometimes with the peculiar expression which the occasion might demand. Need the learned gentleman remind the Jury in how perilous a situation that individual was placed, who became the subject of attack by such a writer ; need he say that it required no mean degree of courage to call, even at the bar of an English Jury, for justice on such an opponent. The connexion between Mr Wright and Mr Cobbett commenced when no man needed to be ashamed of Mr Cobbett's acquaintance. It arose out of a change of books, Mr Wright being a bookseller ; and the first transaction to which he should advert, was a loan of 20*l.* by the plaintiff to the defendant, when the latter arrived from America. This was at the time (it might probably be within the recollection of some of the Jury) when Mr Cobbett, setting up for himself as a bookseller in Pall-Mall, took for his sign the Crown, the Bible, and the Mitre ; and for his motto, " Fear God and honour the King." Indeed, at that time nothing could be more praiseworthy than the general principles which pervaded Mr Cobbett's writings. The people of England having been imbued with the dan-

gerous doctrines, the infidel positions laid down by Thomas Paine, Mr Cobbett actually published a life of Paine, for the express purpose of holding up that individual to the execration of mankind. The learned counsel, merely as an instance of the nervous and impressive style of Mr Cobbett, would cite a passage from that very work :—

" How Tom lives, or what brothel he inhabits, I know not ; nor does it much signify. He has done all the mischief he can in the world ; and whether his carcase is at last to be suffered to rot on the earth, or to be dried in the air, is of very little consequence. Whenever or wherever he breathes his last, he will excite neither sorrow nor compassion : no friendly hand will close his eyes ; not a groan will be uttered ; not a tear will be shed. Like Judas he will be remembered by posterity : men will learn to express all that is base, malignant, treacherous, unnatural, and blasphemous, by the single monosyllable—' Paine.' "

It was subsequent to the publication of that work for the benefit of the people of England, that the self-designated enlightener of the people (for so Mr Cobbett thought fit to term himself) had commenced his *Political Register* ; and about that time a connexion was formed between the plaintiff, the defendant, and a gentleman of the name of Howell, for the publication of the *Parliamentary Debates*, the *State Trials*, and the *Parliamentary History*. This went on until Mr Cobbett, on taking a trip to Southampton, was seized with the desire to become a land speculator ; and, during his absence from town, Mr Wright inspected and corrected the *Register*. By aid of the paper system, which he was then writing down, Mr Cobbett got accommodation to the amount altogether of from 60,000*l.* to 70,000*l.*, and these discounts were principally effected—one bill being given as another became

due—through the medium of Mr Wright in London. One transaction begot another, and an immense deal of money passed through Mr Wright's hands. Wright, in fact, became the publisher of the *Register*, for he received the proceeds and paid the out-goings, and remitted cash at times to Mr Cobbett, in Botley. Between the years 1805 and 1811 the accounts, as would commonly be found the case where accommodation paper was employed, became extremely intricate between Mr Wright and Mr Cobbett, and, in short, they were in such a state that, to use the very forcible language employed by the defendant himself, when a partner in the business was proposed, "they were in such a state that the devil himself could not unravel them." Things were in this situation when Mr Cobbett was called upon to defend himself against the charge of libel, and upon that charge was convicted. Upon that conviction the question arose as to what steps should be taken to avert the impending calamity of judgment, and those measures conducted Mr Scarlett to the first of the libels which he had to state to the Jury. Mr Cobbett proposed to a gentleman who would presently be called as a witness to make a bargain for him with government that he should not be called up for judgment, and upon that condition he would give up his *Register*. The negotiation did not succeed. Mr Cobbett did not succeed. Mr Cobbett appeared to receive judgment, and was thrown into prison. The plaintiff then applied for a settlement of his accounts, when, to his utter astonishment, Mr Cobbett answered that he (Mr Cobbett) had no accounts nor any letters, and put Mr Wright to the proof of every sixpence which in the course of his long agency he had distributed or received. An accountant was employed to collect the various documents, and they were submitted to Mr Cob-

bett for his inspection. Mr Cobbett admitted nothing; disputed every thing; called upon him to produce vouchers even for sums of money paid to himself; and finally refused to allow him anything for agency. The disputed accounts were arranged by the award of Mr William Cook. Mr Cobbett claimed about 12,000*l.*, and received about 6000*l.*; and the effect of this curtailment of his claim was an inveterate hostility conceived against Mr Wright. Before Mr Cobbett went to prison, Mr Scarlett continued, a publication took place in *The Times* newspaper, hinting that Mr Cobbett had been disposed to abandon his *Register*. Mr Cobbett wrote a paper to refute this imputation, and called his article *A New Year's Gift to old George Rose*. In that work Mr Cobbett, after his ordinary manner, mixed up a variety of subjects for the amusement of the public, and, after alluding to the libel for which he had suffered punishment, he went on—"Walter says I made a proposition to government to this effect—that if proceedings were dropped against me, I would never publish another *Register* nor any other thing. If I did so, no one could condemn me, and therefore I might allow the charge of Walter to be true; but the charge is absolutely false, for no such proposition was ever made from me, or by my authority." And Mr Cobbett then went on to tell a story of his having certainly gone down to Botley with such an idea, worked upon by the tears and entreaties of his family; but that he had withdrawn his proposition. Unfortunately, however, Mr Cobbett had transmitted to Mr Wright the farewell number of his *Register*, which would have been the concluding number, if his proposition to government had been carried into effect. Now the first of the libels in question arose out of a suspicion that it was by Mr Wright that the fact



had been communicated to *The Times*; and in expressing his opinion that such had been the course of communication, the defendant spoke of Mr Wright as "a wretch unequalled in the annals of infamy, and whom he would hold up to the horror of mankind." Mr Scarlett then proceeded to advert to the second libel upon the record, which originated out of the conduct of Mr Gleary in reading at the Westminster election of 1818 Mr Cobbett's letter of 1808, in which he spoke of Mr Hunt with feelings very different from those which he subsequently expressed towards that gentleman. That letter, Mr Cobbett, who did not disdain occasionally to employ a falsehood when he found it impossible by argument to overcome his adversary, treated as forged, and as the work of a man who had forged his (Mr Cobbett's) name upon several occasions. Mr Cobbett, in his plea upon the present record, had pledged himself to prove those assertions to be true. The paragraph in which he described the big drops of sweat—Mr Scarlett would read the paragraph:—

"You, my dear Sir, know the history of this Wright; you know all his tricks, all his attempts. The public do not, and I will not now trouble the public with a detail which, if put in a suitable form, would make a romance, in the words of truth, far surpassing any thing that ever was imagined of moral turpitude. I will execute this task one day or other. If the caitiff should put forth any thing by way of palliation in the mean time, there is Mr Walker, there is Mr Margrave, there is my attorney, there is Mr Swann, there is Sir F. Burdett himself, there is my son John, who, though he was then a child, will never forget the big round drops of sweat that in a cold winter's day rolled down the caitiff's forehead when he was detected in fabricating accounts; and when I took Johnny by the hand (who had begun

whimpering for poor Wright) and said, 'Look at that man, my dear! These drops of sweat are the effect of detected dishonesty! Think of that, my dear child, and you will always be an honest man.' Mr Peter Walker and Mr Swann were present at this scene, which took place in my room in Newgate in 1811."

The contents of this paragraph Mr Cobbett undertook to prove the truth of. He had witnesses—Mr Margrave, the attorney, Mr Swann, Sir F. Burdett, and his (Cobbett's) son John. Where were they now? They were in Court, but the justification was withdrawn. Mr Cobbett had not stopped there. He had gone on to accuse the plaintiff of having forged his name, and of having been a spy since the year 1811. The plaintiff was ready; he had evidence to meet every one of Mr Cobbett's charges against him—charges which were as false as hell, and which would have been so shown had the defendant dared to meet the question.

The libels were read, and a few witnesses called, but of little importance, as the attempt to prove the charges had been withdrawn.

Mr Cobbett entered upon his defence. He stated his reasons for having removed the bones of Thomas Paine from America to this country. He had not taken that course from any admiration of the irreligious principles of Paine, or from any fellow-feeling with him in his ideas of the advantage of a republican government. Indeed, he (Cobbett) had ever held a republican government to be unsuited to the genius of England. Under a republican government, which he had materially served, Paine had been refused even Christian burial; and one of his principal objects in bringing the relics of that man to this country had been to shew the people of England how completely all public spirit and all public virtue were destroyed by republican governments. The defendant then

on to account for his having first justified, and afterwards abandoned, his plea of justification. Instructions for that plea had been delivered to his attorney, at a time when he was deeply engaged with business of more interest, and when he was not aware of the precise documents which would be necessary for him to support that plea. He had power to prove all that he had said against the plaintiff, and ten times more; and whatever course the present action might take, that proof should, in proper time, be forthcoming; but it was not ready now. He well understood that against no man but himself would the present action have been brought. He knew the political feeling which the plaintiff trusted to. The Jury had been told that he had libelled Sir Francis Burdett, and it was hoped that the Jury would visit that libel upon him in the damages which they might give for the present. He trusted, however, that they would do no such thing, and he was sure that no man would despise more heartily than the honourable Baronet himself, such a miserable attempt to pander to their prejudices. He still contended that the mutilation of a letter virtually amounted to a forgery of that letter. Even Dr Franklin, having made an improper use of some letters, obtained from the Governor of Massachusetts, had been called a thief by Lord Rosslyn, at the bar of the House of Commons. Mr Cobbett then remarked upon the evidence which had been adduced by the plaintiff, and intimated to the Jury the ground upon which he proposed to rest his defence—that ground being simply this;—that it was his son William, and not himself, who had been the publisher of the libels in question, and that a considerable portion of the matter complained of in the Register of the 6th of March, 1819, had been written by his sons William and John. He then called

William Clement, who deposed that the *Political Register*, in 1816, was legally published by William Cobbett, junior. In the beginning of 1817, witness published the *Register*. Witness kept his accounts with William Cobbett, junior. He settled his accounts with the son; but always considered the father as responsible. He considered the father the proprietor of the *Register*, though not legally so.

In his cross-examination, witness admitted that he had never treated with the son, but as the agent of the father. The father's name was entered in his books, although he settled accounts with the son. Before Mr Cobbett went to America, witness gave bills to a considerable amount for his use. Those bills were given in anticipation of the proceeds which were to arise from the sale of the *Register*.

Charles Preston, clerk in the Stamp Office, produced an affidavit of William Cobbett, junior, dated 5th of January 1816, stating himself to be sole proprietor of the *Political Register*—and another of the 25th of the same month, in the same year, stating himself to be printer, publisher, and sole proprietor of the *Register*.

William Cobbett, junior, was next called. The material part of this witness's evidence went to the question, whether he or his father was in truth the proprietor of the paper. The witness swore that the property of the paper was made over to him by his father, and that his father received a salary from him, as editor. That salary varied from time to time, from 35 or 40 guineas a week to 350l. per month. Witness was *bona fide* proprietor of the paper. He frequently made alterations in the matter transmitted by his father, and made most material alterations in that part of the *Register* of the 6th of March, 1819, which alluded to the plaintiff.

In his cross-examination, witness ad-

mitted that he paid his father no consideration for the assignment of the paper, and that he reassigned it without receiving any consideration. During the time that the paper was the property of witness, his father had not the power at will to resume it; but, of course, if he had withdrawn his writing, the shadow only would have been left to witness.

Mr John Cobbett, another of defendant's sons, deposed principally to some alterations by him, and by his brother, in the article of the 6th of March, 1819, which regarded Mr Wright, the plaintiff. The alterations were made, because the article was not sufficiently bitter.

Mr Scarlett, in reply, contended, that the whole course of Mr Cobbett's defence had been an aggravation of the injury which he had done to the plaintiff.

The Lord Chief-Justice, in summing up; held that Mr Cobbett, either

as the *bona fide* proprietor, or as the editor of the *Political Register*, would be liable for its contents. With respect to the alterations he had authority to make; if a principal authorised an agent to make reasonable alterations, then, for the effect of such reasonable alterations he was still responsible. It was for the Jury to decide, whether the evidence had brought home to the defendant the libels in question. If they were of that opinion, the line of defence adopted by Mr Cobbett, if not permitted to weigh in aggravation of damages, would certainly be a very sufficient bar to any plea in mitigation.

The Jury retired at about a quarter to nine, and, after an absence of nearly one hour and three quarters, returned with a verdict for the plaintiff. — Damages, 1000*l.*; costs, 40*s.*

The trial occupied the Court from half past nine in the morning, till a quarter past ten at night.

## CRIMINAL TRIALS.

NESBETT, FOR THE MURDER OF MR PARKER AND HIS HOUSEKEEPER.

*Maudstone, July 28.*

The Common Serjeant detailed the facts of the case. The deceased, Thomas Parker, lived in Mulgrave-place, in the town of Woolwich. He was 70 years of age, and had formerly been engaged in business as a working-jeweller in London. He had retired from business some years before his death, and lived in this house at Woolwich, in which there was only one other inhabitant, a person who had also met with her death on the same occasion. Mr Parker's habits were extremely regular, and being advanced in years, he retired early to

rest; ten o'clock was the usual hour at which he went to bed. The housekeeper had been seen as late as one o'clock in the afternoon coming from the butcher's with some meat for the use of the family; she had been seen going to the house by a person who lived opposite. By the same neighbour Mr Parker had been seen at four o'clock in the evening. It was a tempestuous day, and therefore not very likely that they would be out after four o'clock; indeed, so tempestuous was the weather, that it prevented Mr Parker's son-in-law from going to see him on that day, as he had intended. At seven o'clock a neighbour, who lived in the next house, heard the door going. Thus things remained till half-past one in the mid-

dle of the night, when the watchman, who was stationed near the house, and who, he regretted to say, was now in Ireland, observed smoke issuing from the parlour window. He immediately sprang his rattle, which drew to the place several soldiers from the adjoining barracks. The alarm also attracted a carpenter's apprentice, who got in at a window, and was present when the door was broken open. There were only Mr Parker and the housekeeper to be awakened and rescued from the fire, and therefore the first object of the persons assembled was to alarm them. They would learn from one of the witnesses that he went to the bedrooms, but found neither any person, nor the appearance of any persons having been in them; there were no candles in the rooms. The beds had been set on fire in both rooms; but there was no connexion between the fires in these two rooms, or between either of them, and any other part of the house, so that they must have been lighted separately. They found the parlour full of fire and smoke, which they subdued by water, and then they ascertained what had been done there. On breaking open the outer door, they found it had not been bolted, and from this it appeared that the inmates of the house had never gone to bed. There was another circumstance, which would shew that this fire had been caused by design, and that was, that in every room which commanded a view of the street, there were blankets nailed up against the windows. The Jury would be told by the neighbours who lived opposite, that they had never known this to have occurred before, and he would put it to their understanding, whether it could be reasonably accounted for on any other supposition, than that it had been done for the purpose of concealment. On entering the parlour,

a horrid sight presented itself. Two dead bodies were found, half consumed by fire. These bodies he believed he should be able to identify, though evidence to that effect was scarcely necessary; for it was not likely that Mr Parker and his housekeeper should have left the house, and that two other persons had come into it, and had been burnt to death. The head of Mr Parker was almost entirely consumed, but the left leg remained perfect, and furnished sufficient proof of the identity of the body. On the left foot there was found a shoe, which, having originally been too small, had been burst in tying on—a circumstance that would be proved by the person who made the shoe. The body of Sarah Brown was also known beyond any doubt. The surgeon who examined the bodies had not the smallest doubt that both had been dead before they were burnt. The fracture on the skull of Mr Parker was quite sufficient to produce instant death, and seemed to have been inflicted with the claw of a hammer. On the head of the housekeeper, also, there were two deep wounds; and it was impossible that these injuries could have been occasioned by fire. It was likely that the murderer was single in the transaction, for the linen was mostly all left behind, and the articles which had been taken away, were chiefly jewellery and trinkets. Immediately after the discovery of the murder, a constable had taken charge of the house, and had taken care to preserve the property found in it. Among that property were several articles of jewellery; and it would appear in evidence that the articles found on the prisoner corresponded exactly with those in the house; for the whole plate and jewellery were very old-fashioned; and the articles would be sworn to by a

person who had been the apprentice of Mr Parker when he was in business, and who had assisted in the making of many of them. At the time there was no trace of the person who had committed the crime; several persons indeed were arrested on suspicion, but were soon after discharged. He would now proceed to relate the case of the prisoner, as he should be able to prove it in evidence. He had formerly been in the artillery service, and had been stationed at Woolwich; but he was discharged in 1816, and had a pension of 9d. a-day. He had a wife and six children at Woolwich. It happened, that four months before this murder, the prisoner had been arrested on another charge, but he had escaped from the constable, and had left Woolwich a short time before the murder was committed. His name was Nesbett, but it would be proved that he went to Portsmouth under the name of Watson, and there he remained till February. During his stay there he was on terms of intimacy with a woman of loose character; and it was not likely that in such society he should retain his money long. He was, in fact, altogether destitute of money when he left Portsmouth. On the 19th of February, he borrowed 20s. from a person of the name of Cole, leaving a box as security for the amount, and stating that he was going to London to receive some money. Cole believed this, and advanced the 20s.; so that it appeared that on leaving Portsmouth he was without money. It would be proved, that on the day after the murder, about one o'clock, he was seen at a place called Mouse-hill, about 36 miles from London, and taken up by a Portsmouth coach. He stated to the coachman that he had made his way to Milford by the Chichester coach, and had walked over from Milford to Mouse-

hill, to take the Portsmouth coach. By this plan he got back to Portsmouth, and the moment he arrived there he appeared to be rich. What money there was in Mr Parker's house he did not know; but he should be able to identify the property found on the prisoner. The morning after his arrival at Portsmouth, he sent a person to Cole, with what the woman whom he cohabited with supposed to be a 10*l.* note, but what turned out to be a 5*l.* Bank of England note. The Jury would naturally expect that the prisoner should account for this sudden alteration which took place in his circumstances after he left Portsmouth. Not only did he send the 5*l.* note to Cole, but he also made this woman a number of presents, consisting of shawls and various articles of dress, the amount of which she would tell when examined. But the question was, on the prisoner's return to Portsmouth, from what place did he come? from London, or from Woolwich? He should bring the prisoner's nephew into Court, though he did not mean to examine so near a relation in support of the prosecution; but if the prisoner could shew by his nephew's testimony that he had not been at Woolwich, he should have an opportunity of doing so. The prisoner's sister lived at Woolwich, and his nephew could prove that on his return to Portsmouth, he brought news of his mother's health, as a person coming from Woolwich. He would put this to the Jury as strong and pregnant proof that the prisoner had come from Woolwich, and not from London. He continued to go by the name of Watson; but after the news of this murder reached Portsmouth, it was discovered there that his real name was Nesbett, and a magistrate, who deserved the greatest praise for his vigilance and activity, thought it proper that he should be

taken up. It would appear, that on the 10th of March, he gave a gold watch to a person of the name of Irish, to be cleaned, and that watch he afterwards sold to Barnard Solomon. The prisoner supposed it to be all gold, and it might well have deceived any person; but it turned out that only the inside case was gold, and that the outer case was gilt. The account he gave of it was this:—He thought it had been all gold, for it had been long in the family, having belonged to his father, who lived to the age of 84. At the same time he also sold a number of silver table and tea-spoons, which bore the mark of a P. at the top, with the initials T. and M. below, Mr Parker's wife's name having been Mary. In order to give a colour to this person, for supposing that he was honestly possessed of the property, he told him his name was Page, that name answering the initials on the plate. No person had ever known the prisoner at Woolwich by the name of Page, and therefore he would put this circumstance as a strong proof of guilty possession. Upon his return to Portsmouth, he cohabited with the woman already mentioned, and she would state in evidence his mind at that time to be in an extremely disturbed state; so much so, that after a few days she declined having any farther intercourse with him, her nights being disturbed by his starts and troubled dreams—the indications of a guilty mind. A few days after this he prevailed upon her to return, and told her there was a secret on his mind which gave him great uneasiness; that he had been the cause of death to three persons, two men and a woman; that the men he had killed in duels, and the woman by a blow. The particulars of these acts he promised to tell her at some future time. To drown reflection, he was in the habit of frequent-

ing taverns and theatres; and it was material to observe, that at the latter he regularly appeared disguised, for there he might be recognized by persons from Woolwich. To effect this disguise, he always wore a foraging-cap, and to it he added a pair of spectacles, though not in the habit of wearing spectacles. Those very spectacles, however, which had been worn for the purpose of disguise, afforded the very strongest proof of his guilt. Mr Parker, who was old, and whose sight was bad, always used spectacles; those he commonly wore were silver, and marked "T. P." Now the spectacles which the prisoner wore, and which had been found in his box, had the initials "T. P." marked on them, and would be sworn to as the property of Mr Parker. The prisoner, it would appear, had carried arms about with him, and had said that no person should ever take him. The moment that Hunt and Hill, who arrested him, opened the door of the room in which he was, he drew out a pistol, and presented it at Hill. Hill darted on him instantly, and in the struggle which ensued the trigger was drawn, but the pistol did not go off, but was afterwards found to have been loaded to the muzzle with powder, but in his hurry the prisoner had omitted to put in any balls. While Hunt was coming to Hill's assistance, the prisoner contrived to draw out another pistol, but was secured before he could discharge it; it was found to be loaded with ball. In his trunk was found a little red box, which contained a variety of trinkets and articles of jewellery, and among the rest a child's silver coral, which was very material. That coral he had with him when he took the Portsmouth coach from Mouse-hill, for the coachman had seen it. The mark on it, whatever it was, had been filed off, and the file had been found in his trunk. The

marks on the other articles had not been taken off. Among the other things found in the prisoner's custody, was a pair of old-fashioned silver tongs, a silver sauce-ladle, several silver tea and table-spoons, a watch with a tortoise-shell case, a number of rings, ear-rings, and brooches, some knee-buckles, several pairs of boots, and various articles of wearing apparel—all of which would be proved to have belonged to Mr Parker. The prisoner, when arrested, was brought before a magistrate, and the account he gave him varied very much from that which he had given to the woman with whom he had cohabited. Having been committed on the charge, he gave in gaol an account, which would be produced, and which, instead of negativing, tended to corroborate what had now been stated. He admitted in this account that he was in Woolwich, but said that the murder was not committed by him, but by three other persons who had gone into the house while he stood at the door. That statement, it true, was an imperative call on the jury to find him guilty of the charge, even though the fatal blow might not have been inflicted by his hand. He admitted, that as they came out of the house, he made this remark to them:—"I hope you did not put them to much pain; and how could he have made such an observation if he had not been an accomplice? He then said that he had bought all the articles in question from those three persons for 11*l*. If, however, he admitted that he was at Woolwich, and stood at the door while the crime was perpetrated, all doubt of his guilt was removed. And even if he did not admit these facts, there was abundant proof of his guilt from the goods themselves. The prisoner had sent a letter to his nephew at Portsmouth, which had been destroyed, but the

learned counsel was instructed to say, that its contents were an injunction to get Ann Kirby out of the way, and saying, that if that could not be accomplished, her mouth must be closed—a hint which could not be misunderstood. This was a proof that he had told her more than the history of the duel, because that was evidence that could not bear on the present case, and therefore he needed not have been so anxious to prevent her from appearing. Such was the evidence about to be submitted to them.

Our limits do not allow us to go into the detail of the evidence. The following is that of Ann Kirby.

Ann Kirby had lived a twelvemonth at Portsmouth on the 13th of next month. She was an unfortunate woman, and first got acquainted with the prisoner in November. She knew him by the name of Watson. The prisoner came to her on Saturday, and left her on the Monday for Havre-de-Grace. He returned, and brought a lady with him from France. The prisoner said he was going to London to get some money, which he expected, and that he did not think his father would send it him unless he went for it himself. She learnt from him that he lived with Mr Coles, at Portsmouth Point. She saw him next on Saturday, the 4th of March. He told her that he had come from Woolwich, from his friend: he said he and another person had rode to Mouse-hull, and then had taken the coach to Portsmouth. He said he had arrived at eight o'clock, and had come to her immediately. She met him in the streets. She renewed her cohabitation with him, and they lived at the Red Lion, where he was taken. She slept four nights at the Red Lion; she was afraid of the prisoner—he used to threaten to kill her—he was so terrified in his sleep. By time-

rated she meant he was frequently rising in his sleep, calling on some name in his sleep, which she did not recollect. When he was in a passion with her, he made the threats she had spoken of. In consequence of his threats she had left him. He made her a present of a pair of ear-rings and a shawl, and 15s. in money. He said that the shawl belonged to a young lady whom he had brought with him from France. After this she was with him several nights occasionally ; but the same agitation still continued in his sleep. She returned to him because he gave her the shawl and ear-rings, and because he said he could not sleep by himself. The last night she slept with him was the night before he was taken up. He told her that the reason of his alarm was, that he had killed two men and a woman ; the men in a duel. He told her that he could tell her a secret, but she was not to *revulge* it. She promised that she would not : he begged her never to mention it again, because he did not like to it, but he would not tell her the reasons.

*Cross-examined*—She had been 12 months at Portsmouth. Her father and mother live at Wickham. She lives in a private house in Red Lion-yard, kept for women of her class ; she has not been more than one year in her unfortunate condition. When she first knew the prisoner, she said he lived at Southsea, and introduced himself by the name of Watson. He brought a girl back with him from Havre-de-Grace ; she never quarrelled about it with him. She never said, "D—n you, I'll be revenged of you." He never accused her of robbing him. She heard from some other persons that he had ; and he went with her to them about it. She had never been before any justice at Portsmouth un-

til the time prisoner was examined. She had advised him not to drink, but not because it affected him in his sleep. He went oftener to the theatre after he returned from London than he did before ; he went into the upper boxes, she only went with him there once.

No evidence was called for the prisoner, and he merely in his defence told a desultory story, endeavouring to account for his having got the money, and for the manner in which he had spent his time during his absence from Portsmouth.

Mr Baron Wood then summed up the evidence with great care and impartiality.

The Jury deliberated about ten minutes, and returned a verdict of *Guilty*.

The Judge then pronounced the sentence of the law in the usual manner, ordering him for execution on Monday next.

Immediately after the sentence was concluded, the prisoner said to the Court—"The laws of my country have found me guilty of murder, but I am not guilty of it, the man who committed it is now in this town."

He was then removed from the bar, which he left in tears.

Nesbett has the appearance of a good-looking man of the sea-faring class. His countenance is determined, but betrays no marks of ferocity. During the trial he exhibited, in general, great firmness, we might almost say great hardihood, except when allusion was made to his father or his children. While the woman with whom he cohabited, was under examination, his agitation was extreme, but of a different description. He evinced great self-possession while the sentence was pronouncing, but it deserted him before he left the bar.



TRIAL OF SOLDIERS FOR MURDER, BY  
FIRING FROM A WINDOW AT GREEN-  
OCK.

*High Court of Justiciary, Nov. 7.*

THE Court proceeded to the trial of Robert Surrage, John Dèmpsey, John Beck, Joseph Elliot, Malachi Clinton, and Patrick Lynch, accused of having, on the night of the 30th of July last, fired several shots from the window of a room in the house of Francis Quin, in Shannon's close, Greenock, at several persons then in the close, and by which shots Robert Simpson and Henry Pearson, watchmen in Greenock, and Archibald Morrison, sailor in Greenock, were mortally wounded, and died a few hours after.

The panels pled *Not Guilty* to the crimes libelled.

The Lord Advocate passed from the charges against Clinton, and he was accordingly dismissed *simpliciter* from the bar. He was taken out of Court, in order to be examined in exculpation.

Muter Mitchell, a boy about 15 or 16 years, lives in Greenock. He went out one evening last summer to look for his brother, who had newly arrived from the West Indies. Heard a noise at the foot of the Highland close, opposite to Shannon's close, both of which enter from the Lough Street. Saw a tall soldier there cuning upon the best of the blue-jackets to turn out, and he would fight them. There were about five or six soldiers present, and about a dozen tradesmen or sailors in jackets. The sailors were all wanting to make peace? and not to fight. Saw a soldier with a bayonet concealed under his jacket, which the women wished to take from him, but he held it up over his head. A sailor came up with a pair of water stoups,

who asked the soldiers to go with him and get some spirits, and not to stand wrangling there. One of the soldiers said, "Come along, shipmate," and they all went down Shannon's close. Witness looked down the close, and in a very little time a quarrel began, when he saw one of the soldiers knock down a sailor with a water stoup. The soldiers went into the house, and the sailor, on getting up, went also into the house, when the door was shut. Heard the people who had collected say, they were killing some person in the inside. The people then began to break the doors and windows, in order to get in. Witness ran up the close to be out of the way, and had stood at the head of it but a very short time when he heard a soldier call "Fire!" and then a gun went off; on which the people called out, there was a lad shot, and shortly after saw him carried up the close by some persons. Understood his name was Morrison. When standing at the head of the close, witness heard several other shots fired from a window, which was in the gairt of Quin's house. Saw an old woman running, calling for the guard, who, when they came, said to those who were in the house, "Halt, halt." The soldiers who fired desired them to take away the people in the close, which the guard did. After the guard went away, the soldiers continued firing from the same window. The crowd remained standing at the foot of the close, when a man came out from the crowd and spoke up to the soldiers at the window, when a shot was fired and the man fell. He saw the gun out of the window, and heard the voice of the same man who wanted to fight with the sailors. A girl came out of a house from the opposite side of the close, who asked to be allowed to take away the body; and she pulled him into the house. When the guard came the second

time, the people went down along with them to the house, and witness saw the man who was shot. Some of the guard went into the house from whence the firing had proceeded, and took away three soldiers: they afterwards came back and took away more prisoners, but does not know how many. The soldiers, at the time witness saw them, did not appear as if drunk. When the guard took away the three, they appeared to be beastly drunk. Witness saw a man taken from under a bed in Cochrane's house, which is immediately below the garret from whence the firing proceeded; the man was all covered with blood. Cannot swear now which of the prisoners is the person who offered to fight, and who called out of the window. Saw him, the day after, in the jail, when he was all cut. Witness pointed out Lynch as the person who had the bayonet, but was not positive.

*Cross-examined.*—When the soldiers went down the close, they seemed all willing to make peace; and when the soldier knocked the sailor down with the stoup, there commenced a sort of general fight between the people and the soldiers.

By the Lord Justice-Clerk.—Saw no stones thrown at the house from whence the firing came; neither did he see any stones thrown at any time that night.

Similar testimony was given by John M'Knight, cloth merchant; William Gowans, grocer; John M'Farlane, shipmaster, and several other witnesses.

Robert Robertson resided in Greenock when the affray happened there in July, and saw a fighting going on in Shannon's close. A soldier asked him to fight, but he would not, and advised them to go home. Was knocked down, and dragged into Cochrane's house, and was again knocked down,

and became insensible. This was about 12 o'clock.

Alexander Cochrane, fisher in Greenock, lives in the house below Quin. On the 30th of July, Dempsey got two half mutchkins of whisky that afternoon, to treat four of his companions. Heard a disturbance in the street late in the evening, and some soldiers came to his door, and demanded to get into their lodgings. At that time the crowd was great, and making a noise. He admitted the soldiers, and a young man, named Robertson, came in along with them. One of the soldiers struck Robertson with a caudlestick, while two of them held him. Witness took Robertson into the kitchen, and the soldiers went up stairs. The crowd on the outside broke his window-shutters; and it was so great, that he could not get out at the door, but went out by a window for the guard. Heard a shot fired; and, before he got out by the window, another was fired. When coming with the guard, heard several shots fired. The streets being cleared, he got into his house, and went up to the room where the soldiers were, and told them they were firing upon their own guard. There were three men in the room; two of them were at the window, and a musket was on each side of it, the other man standing behind. Dempsey was one of the men who was at the window, and had a musket in his hand. Witness did not know the others. A soldier was lying on a bed, and another was in a room in the house getting a wound cleaned. When witness told them that they were firing on their guard, Dempsey said, he would blow his brains out for bringing them. After the guard came to the house, there were three shots fired.

*Cross-examined.*—At the time when he opened the door to let the

soldiers in, they were all bloody; and the crowd on the outside were calling out, that they would have the bloody souls of the soldiers. The window where the soldiers fired from was all broken. During the time Surrag and Dempsey lodged in Quin's house they were quiet and peaceable. No firing took place till the window where the soldiers were was knocked in; and, as he thought, the shutters from his window were forced off, and thrown in at it. Saw the window next day, the panes of which were broken, and part of the casement. The soldiers got from him that day ten half mutchkins of whisky. Several of them were very drunk. Dempsey did not appear much the worse of liquor.

William M'Lurg, serjeant in the 13th regiment, remembers a man and a woman coming to the guard-house for the guard to go to Shannon's close. Went down with four men. Having heard firing, he returned with the men for their fire-arms, and brought with him six men. When he came down, he saw Surrag and Dempsey leaning out of the window of their lodging. They asked who went there; when he answered, the serjeant of the guard. Dempsey told him to stand back: he said, "Don't fire, as it is the guard." They had both their muskets in their hands; and Dempsey presented his firelock at witness and cocked it, when one of the guard struck the musket aside, when it went off. They said, if he would take two men who were at the door, and who had struck them, they would come out. Met several men carrying another, but does not know whether the person was wounded or not. When he was going into the room Dempsey pushed him back, and asked Surrag whether the firelocks were loaded, and ran to the bed-side and presented the musket at witness. Came away, as he could not get th. m

out. Witness sent a man for the officer, whom he met coming down. Saw Beck, one of the prisoners, in the same room, lying on a bed, seemingly drunk. Elliot was in the room, but he was not doing any thing; and he did not see Lynch. Captain Shearman called to Surrag and Dempsey, that he would protect them to the guard-house. Thought that Dempsey was rather unwilling to go. Saw both Surrag and Dempsey fire, but did not see any one fall from their firing. They were all bloody, and said they had been nearly murdered.

Andrew Colwell, soldier, 13th regiment, was on guard at Greenock on the night of the affray in July last. Corroborated the evidence of M'Lurg, as to the guard going to Shannon's close. Witness stated, that Surrag was ordered to come down; but he said, he had been almost murdered by a mob, and that two men were at the door wanting to come in. The guard took these two men into custody, and, on coming back, witness saw a man lying in the close. Surrag was at the window with his musket, when the serjeant ordered him to lay it down, which he did. Dempsey took it up, and put it out of the window, cocked it, and the witness struck the piece to turn it aside, when it went off. When witness went into the room, Dempsey and Surrag were there; the former with his musket, who col-lared the serjeant, and rested his musket in his haunch, when witness and another soldier took it from him. Surrag was willing to come down, but Dempsey would not. The guard left them in the room, and returned with Captain Shearman, whom they met coming down, when they took Dempsey and Surrag into custody.

Joseph Wootten, soldier in the 13th regiment, corroborated the evidence of Serjeant M'Lurg and Colwell in every particular.

Mr John Lennox, superintendent of police, Greenock, after seeing two men lodged in custody who had been brought up by the guard from Shannon's close, went down with the guard to that place, and saw a man with a musket at a window. The serjeant ordered him to give over firing. Witness called out to him he was master of the police, and for God's sake to desist firing. The answer that was given was, "I don't care a d—n for no man." When the serjeant went up to the room, witness heard the same man say, "You villain, I will blow, or knock your brains out." There was a gun fired at the time, and the guard were in the close. Heard the serjeant go up to the room, when a scuffle ensued; and the serjeant came down, and said he could not get them out without more assistance. Witness desired the serjeant to send for Captain Shearman, which he did; and, on the captain coming, the men were secured, and lodged in jail. Beck was in such a state of intoxication, that he was carried down stairs. The height of the window from whence the shots were fired was ten feet eight inches from the ground. The sash of the window was lying close to the wall of the room, and apparently had been taken out for the purpose of allowing the soldiers to get out their heads. The panes were broken by trampling on. There were no stones in the room, and none of the panes of the upper sash were broken. Did not see any part of a window-shutter in the room.

Dr J. B. Kirk read certificates which he had made out of the state in which he found Morrison, Simpson, and Pearson, which he now verified. When he found Pearson was dying, and anxious for the ends of public justice that the truth should be known, he put a question to him, in presence of his wife, whether the man who fired at him took aim; to

which he answered distinctly, that he did.

The declarations of the prisoners were then read.

#### EXCULPATORY PROOF.

Malachi Clinton, soldier in the 13th regiment, was in company with the prisoners on an evening in July last. They had some drink together. Surraige and witness saw two persons home to their lodgings who had been drinking with them. When Surraige and he returned to Shannon's close, they met a woman and a man; but whether the woman spoke to Surraige, or he to her, does not recollect. The man gave them abusive language, and wished to fight, but witness would not allow them. Got Surraige to Quin's house, where they were followed by some persons, one of whom threw a stone, which struck witness on the temple when at the door, and which knocked him down. At this time Surraige and Dempsey were outside the door fighting with some persons, and when they came in, they were cut in the face.

Mrs Cochrane knows Surraige and Dempsey; they lodged in Quin's house, next door to hers, and behaved very quietly and decently all the time they were there. On the night of the affray in July, her servant came in and told her, there was a quarrel at the head of the close, and that Lynch was away out with a bayonet; on which she and her husband ran after him, and took the bayonet from him. Dempsey, Surraige, and one or two others, came to the door, and called to get in for God's sake; when her husband opened the door, and they all got in except Dempsey. He soon after also got in, covered with blood. The window where the soldiers lodged was broke from the outside. Next morn-

ing, witness found her window-shutter in the soldiers' room; it had been torn off by the mob, who swore that they would have the b——y souls of the soldiers out of them. Heard these expressions three or four minutes before the firing began, and thinks the mob would have got in had it not been for the firing.

*Cross-examined* — Dempsey and three sailors came in to get a dram, but witness would not give it. The men went away; one of them had water-stoups; and, as they were going out of the door, Dempsey gave one of them a push, when the quarrel began; and Robertson, who had come in at first with Dempsey, was dragged in, and knocked down. One of the soldiers, who was on the stair, took up a brass candlestick, and, when Robertson was lying insensible on the floor, struck him two or three times on the head. Witness thought he was dead; but he afterwards recovered, and was laid on the bed in the room. He subsequently had got up, and crept below the bed, and was found there by the guard and police. In the confusion, witness did not know he was in the house.

Captain Shearnian, of the 13th regiment, went down with the guard, and saw two soldiers at the window, one of whom had a musket in his hand. He called out to them to surrender; when they said, they would come down if they were to be protected from the mob, which he assured them he would do. On this they instantly came down, and delivered up their muskets. The men, when they came down, appeared to have been drinking, but were not drunk. They seemed more alarmed than in liquor.

Martha Jamieson resides in Greenock. Knows Lynch, but none of the other prisoners. Once or twice, before the shots were fired, heard a

voice from the window cry, "Take care!" Saw the window driven in by stones or sticks. One or two of the mob had sticks. When the firing commenced, was within a short distance of the window.

Sir William Williams, lieutenant-colonel of the 13th regiment, knows all the prisoners, who bore good characters. Surrage was always an excellent sober man, and much regarded by his captain. Dempsey, though fond of drink a little, was never known as cruel.

The Lord Advocate then addressed the Jury in an eloquent speech; in which he contended, that the object of the mob, in endeavouring to break into Cochrane's house, was not for the purpose of revenge, but to relieve the sailor Robertson, who had been dragged in, and whom they supposed the soldiers were murdering. He allowed, that he had not sufficient proof to insist for a verdict against Elliot, Beck, and Lynch; but asked a verdict of guilty against Surrage and Dempsey.

Mr Menzies, for the panels, made an able and ingenious defence.

After the Lord Justice-Clerk had summed up the evidence, the Jury returned a *viva voce* verdict, finding Beck *Not Guilty*; the indictment against Elliot and Lynch *Not Proven*; and Surrage and Dempsey *Guilt* of the murder of Simpson and Pearson only; but unanimously recommended Surrage to mercy.

The trial occupied eighteen hours and a half; and the Court adjourned at half past four in the morning.

On the following morning, Surrage and Dempsey were put to the bar; when, after a very impressive address by the Lord Justice-Clerk, his Lordship sentenced the unfortunate men to be executed at Edinburgh, on Wednesday, the 13th of December next, between eight and ten in the

morning, and their bodies to be afterwards given for dissection.

The two prisoners are good-looking

young men, and were much affected. Syriage is a native of England, and Dempsey is an Irishman.

## PROSECUTIONS AND MISCELLANEOUS CASES.

PLEAS OF INSURANCE OFFICES, RELATIVE TO CHEMICAL APPARATUS EMPLOYED BY SEVERN, KING, AND CO.

COURT OF COMMON PLEAS.

*Tuesday, April 11.*

SEVERN, KING, AND CO., v. DRFW,  
OR THE IMPERIAL INSURANCE COMPANY.

This case, important not only as it affects the parties from the large sum depending upon its issue, but as it involves the general practice and principles by which fire-insurances are regulated, came on for trial yesterday in this Court, and engaged its attention for many hours. It had previously excited considerable interest in the city, and was understood to be only one of several actions about to be instituted, or already commenced, against other insurance-offices.

Mr Stephen opened the pleadings.

The Solicitor-General stated the plaintiffs' case in an address, embracing a complete view of the whole subject. The present action was brought for a sum of upwards of 8000*l.* against the defendants, who are Directors of the Imperial Insurance Company. The plaintiffs were very respectable and opulent sugar refiners, residing in Whitechapel. This was a part only of a very large sum, amounting to about 70,000*l.* total loss, which had been sustained by fire in November 1819. Upon that point no doubt or difficulty existed,

nor was the slightest imputation cast upon the character of the plaintiffs. The only question arising between the parties turned either upon points of law, or related to the manner and regularity of effecting the insurance. With reference to this ultimate question he might be allowed to mention, in the first place, that they had paid an enormous premium for their insurance. The premium actually paid was no less than fourteen shillings, being more than double that required in all ordinary cases for doubly hazardous insurances. He mentioned this circumstance in order to shew that the defendants could not have conceived that they were insuring an ordinary risk, but one of a peculiar nature, and from which, if they were to sustain loss, they had no right to complain, as they received a premium commensurate to it. The material plea on the side of the defendants was, that the fire had been occasioned by a cause not included within the risk insured. By stating the case in this manner, he hoped to disembarass it, and disencumber it of whatever might tend to perplex their inquiry. It was pleaded on the other side, that the plaintiffs had used a process of heating oil which had increased the risk, and that this process had been introduced subsequently to the insurance. Now, he should be able to shew that the apparatus in question was sepa-

rated by a wall and iron doors. It might then become a question, whether, whatever might have been incumbent on the plaintiffs to state to the insurers at the outset, they ought, upon the adoption of this process, to have subsequently apprised them of it. He should contend that his clients were not bound to make any communication on this subject, unless the defendants themselves had thought proper to inquire in the first instance. Supposing, therefore, the risk to be increased by this new process commenced upon contiguous premises, the plaintiffs were under no obligation to disclose the circumstance, unless the insurers thought proper either to inspect the premises, or seek information, in which case, his clients were undoubtedly bound to make a full and unreserved disclosure. His clients were engaged in the business of sugar-refining to a great extent, and the processes by which that operation was carried on were almost as various as the establishments engaged in it. Those, therefore, who insured such manufactories, were bound to examine the mode in which they were conducted, if they had in contemplation to limit their insurance to any given risk; and if they did make such an inquiry, it was the duty of the other party to leave no circumstance concealed. When he talked of a variety of processes, he would endeavour to make himself intelligible. The original and simple mode of refining sugar was, to place it in a pan, with a fire under it. This, however, was found very inconvenient, inasmuch as that part of the sugar which was nearest the fire was burnt before the rest could be brought to a proper temperature. Ingenious and scientific men contrived to produce the requisite degree of heat by pipes of boiling water coiled and immersed into the syrup or sugar. But this

difficulty arose, that the sugar would not boil at the same heat as the water, and therefore a high pressure, attended with much danger, was required. At Liverpool tallow was in common use for this purpose; but this was found extremely expensive, and, to obviate its inconveniences, Mr Wilson had invented a process for using fixed oil. This oil was put into a large retort, and from it a coil of pipes passed into the sugar, which it was intended to bring into a boiling state. The oil required a temperature of 600 degrees of Fahrenheit for boiling, and sugar 350. This was a degree of temperature below any heat that could create danger. It might be urged that gas must be created; and to this he would reply, that gas was not created by fixed oil until it arrived at a temperature of between 600 and 700 degrees, long before which the thermometer would have exploded. It would perhaps be said that the nature of oil might be changed by the renewed application of heat, and that when so changed, it would emit gas at 300 degrees. This, however, he had reason to believe was utterly false; and although the oil might be rendered thicker, the reapplication of heat would restore it to its former state.

Mr Henry Wilson was then called, and stated, that he was well acquainted with the various processes of refining sugar. He had for some time been conversant with this subject, and with the application of oil for that purpose. He had put up apparatus for the same purpose in two houses at Liverpool, three years ago, as well as in one or two others in London. In the present case it had been put up almost exclusively under his direction. He conceived that the ordinary mode of refining sugar was attended with both inconvenience and danger. One great danger was that

of the sugar boiling over; another, of its emitting very inflammable gases, arising from the combustibility of sugar when in a desiccated state. At the degree of 344 inflammable gases were created. The boiling point was 215. He visited the premises in question almost every day, and observed that there was some leaking, but none that could produce the slightest mischief. It was impossible that the leaking of oil into the fire below could cause the fire to communicate with the oil in the vessel. When the oil was thus converted into combustible gas, it passed off up the chimney. The temperature of the oil in the vessel never exceeded 360 for the working point. If it were to go beyond 440, the thermometer would burst. The boiling point of oil was about 600 degrees: and until it attained that degree of heat, it would send out no permanently inflammable gases. To bring about such a degree of heat would require several hours of hard firing, and could never take place from negligence alone. If a similar fire were placed under sugar, inflammable gases would be produced in a much shorter time. If produced in this retort, they would go up the steam-pipe, a vent which was rendered necessary for discharging the air within the vessel; and in oil there was also a quantity of aqueous matter, which it was necessary to carry off in the same manner; conducted through the pipe to which he alluded, it all passed out at a lateral aperture in the chimney. All draught down the chimney was carefully guarded against, and the brick-work of the chimney secured against heat by cast-iron pipes. He thought there was no danger from the gas that might escape mixing with the atmospheric air, because the proportion necessary to cause explosion must be one to six or seven, and it was impossible that such

a proportion should be formed even in the fill-house. This danger was much greater with the ordinary process. The vent was quite sufficient to carry out ten times the quantity of gas which could be produced by this apparatus. The retort had been repaired a few days before. With regard to the oil changing its quality, because it became thicker by use, he did not think that that increased its tendency to become inflammable. He was present at an examination of the apparatus with several surveyors and engineers after the fire had happened; there was not the slightest rent or fissure in the retort, and a four-inch wall on one side of it was as perpendicular as when originally built. There was a great quantity of rubbish upon it, and a piece of fused brass which had come from above; but he could not discover, from the appearances around, the slightest indication of an explosion having taken place. The screws of the aperture were perfect, and the thread bright and sharp. The pump was much fused, and the copper vessel melted—a circumstance to be accounted for by the coals kept under it for the purpose of cutting off the draught. The pipes were of copper, and could not burst from the pumping of the oil, because the valves were smaller than their diameter; in the inside of the retort there was a quantity of carbonaceous matter, naturally resulting from the gradual distillation of the oil, and explosion would have caused a different appearance.

*Cross-examined.*—He had taken out three patents for the process which he had been describing—one in 1816, one in 1817, and the third in 1818. Previous to this invention, he had been engaged in chemical manufactures. His patent had been applied to four cases, two of them occurred at Liverpool, but in both of these tal-



low was used as well as oil. He had put up his apparatus for another house in London about six months ago, but it was by way of an experiment only, and had not been applied generally to the manufacture. There were various modes of carrying on this manufacture, and one or two patents had been obtained for carrying it on through the means of steam. After the retort had been repaired, the oil which had been already used was put back into it, with the addition of some fresh. He saw no vestige of the thermometer on his inspection of the apparatus after the fire.

Mr Samuel Pafkes stated, that he was an experimental and practical chemist. He had attended to the model of the machine, and to the manner in which the process of refining sugar was carried on, and he considered that the old mode of boiling sugar, for the purpose of refining, was more dangerous than the present. He had no hesitation in saying, that it was attended with much less danger. The danger arose from the chance of the fire coming in contact with the sugar-pan. Witness attended throughout to Mr Wilson's examination, and, with certain exceptions, agreed in the correctness of what he stated. He did not, however, agree with him in what he said on the subject of the gas of old oil. He had mixed five ounces of sugar with a proper proportion of water; and when he had increased the heat to 230 degrees, the sugar and water boiled rapidly. The thermometer then remained stationary for a time, but it afterwards moved slowly upwards to 340 degrees. A species of gas was then produced; but, when the heat was raised to 370 degrees, the gas burned with a strong and permanent flame. When a heat of 590 degrees was applied to old oil, it produced an inflammable, but not a permanent inflammable gas. The

lowest temperature at which inflammable gas was produced from oil was 586; but it was not permanent inflammable gas. What he meant by a non-permanent inflammable gas was, a gas which would light if a match were applied to it, but which would go out when the match was removed. When the heat was raised to 600 degrees, a gas was produced from oil, which, if touched with a match, lighted up, and continued to burn. That was the lowest temperature at which permanent inflammable gas was produced from oil. When a chemist went on applying powerful heat, the difficulty of raising it was much increased after it had arrived at a certain point. It would not be an easy task to raise the heat of oil to 600 degrees in an instrument like that alluded to. It would require a great effort for several hours. If the fire were left to work by itself, considering its size, it was impossible that so great a heat could be produced. Even if gas had been formed, looking to the formation of the room from which it might have escaped, he saw no danger of its mixing with the atmospheric air, and producing explosion.

Mr F. Accum stated, that he had made experiments to ascertain at what temperature oil would emit inflammable gas. He could distinguish between new and old oil, having made his experiments with both. He found that new oil emitted permanent inflammable gas at a temperature of 600 degrees. It never emitted gas of that kind at a lower temperature. He had seen the model, and was of opinion that, with the fire which it appeared was placed under the vat, it would take the man in attendance eight or ten hours of constant exertion to produce so great a degree of heat as would generate inflammable gas, if he were called on to do so. It was impossible to produce such an effect

in half an hour or twenty minutes. Old oil, used again and again, would give an inflammable, but not a permanent gas, at 580°. If gas had been formed in a retort, it could not have been confined there, but would have escaped through the pipe. If gas were retained in that sort, it would immediately mount to the cupola, where it would remain, unless there happened to be an opening there. In that case it would escape, and the heavier atmospheric air would take its place. All inflammable gases were lighter than common air. There was not, he believed, any gas of an inflammable nature that was not lighter than common air. Looking at the new plan and the old, he had no doubt that the former was less hazardous. He had placed two vessels, one containing a solution of sugar, and the other of oil, in a similar degree of heat; and when the temperature arrived at 350°, the sugar produced a species of inflammable gas, which ignited when a lighted body approached it. This could not be done with oil. One great advantage in the new plan was, that the director had a complete control over the heat, which was not so in the other method. The danger attending the boiling-over of sugar was immense; for, of all bodies, sugar produced the greatest quantity of inflammable gas. The oil in the retort was so secured, that it could not have itself taken fire; and if gas had been formed, it must have escaped through the pipe. If a certain quantity of gas could be collected, and suffered to remain in a particular situation, without any means of escape, until it was approached by a lighted body, it would undoubtedly explode, and destroy the whole building. But this could not be the case here. As the house was not air-tight—as there was a regular way by which the gas could escape, if any had been generated—

it was impossible that the fire could be attributable to gas. If any explosion had taken place, its effects must have been seen. The oil-vessel, and every thing in and about the retort, would have been destroyed.

*Cross-examined.*—The oil with which he made his experiments was sent to him by Mr Wilson. He hoped that some *unadulterated* oil was still to be had. He could distinguish new oil from oil that had been used. The latter was thick and gelatinous. He repeated his experiments several times, and found no difference. Sugar generated gas at 350 degrees.

Mr C. Sylvester stated, that he had directed his attention to the apparatus exhibited in Court, with a view to give evidence that day. According to the old mode of boiling sugar much mischief was risked. The new mode he considered to be much less dangerous. The preventing the fire from coming in contact with the pan must be extremely beneficial. He heard Mr Wilson's evidence, and did not differ from him in any thing. He was present at certain experiments that were made on sugar and oil by Mr Cooper. The oil was procured by Mr Wilson. He observed the alteration of the temperature every five minutes. The temperature increased much quicker in the early part of the operation than towards the end. The heat was 575 or 580 degrees before inflammable gas was generated. The oil that had been boiled produced gas at a temperature of about twenty degrees less than that which was new. He thought it would be exceedingly difficult to produce such a heat by this apparatus. It would require two or three hours, with the utmost care, to raise the temperature so high. If gas were formed in the retort it would ascend; and there being several apertures, it must escape. At first, it could only accumulate in very small

quantities. Constructed as it was, there could be no combustion in the retort itself. Such an event could not be effected by any leaking of oil into the fire.

H. Coxwell, Esq. Secretary to the Committee of Chemistry in the Society of Arts, had made experiments on the relative combustibility of oil and sugar. He was present at those made by Mr Cooper, and agreed altogether in the account he and other scientific gentlemen had given. The new process was, he thought, infinitely less hazardous than the old one. He thought there was no sort of danger in boiling the oil.

Thomas Hill, Esq. Chairman to the Committee of Mechanism in the Society of Arts, also witnessed the experiments of Mr Cooper, and entirely coincided in opinion with him.

On the part of the *defence*, the following, among other witnesses, were called.

Dr John Foster, physician, and Lecturer on Chemistry at Guy's Hospital, described an experiment which he had made in Whitecross-street, and which had lasted for 23 days. The temperature of the oil was raised in 20 minutes from 360 to 460, at which point it threw out some highly inflammable vapours, as also jets of flame. He considered the practice of employing it as a boiler to be extremely hazardous, and thought that a conflagration produced by it would exhibit appearances similar to those which were described to have actually taken place at the fire in question. This judgment he formed on the result of his inquiries on a small scale.

This evidence was farther confirmed by that of Mr Children.

John Taylor, chemist and engineer, was next called, and stated, that he had been in the habit of producing gas from oil. With regard to the

possibility of a current of air descending through a pipe or tube, through which the draught generally ascended, it might depend greatly on the state of the wind. 'A vapour created in the manner referred to would rather conuscate like lightning, than explode with any noise. He was acquainted with the ordinary process of boiling and refining sugar, and did not apprehend that there was the slightest danger attending it. He was, however, of opinion, that the new process was extremely hazardous.

Mr John Martin and Mr W Daniel, both sugar-refiners, also described the mode in which that operation was carried on in ordinary cases, and expressed their conviction that it was not attended with any risk of conflagration.

Mr Arthur Aikin stated, that he had long made chemical pursuits his study, and about four or five years ago was led to make some experiments on oil. The oil he chiefly used was whale-oil, which was of a viscid and gelatinous nature, and contained a great deal of animal jelly. This, when exposed to a temperature that blackened it, was decomposed, and produced a very volatile and inflammable oil. By distillation, this inflammable quality was greatly increased, and, if poured into the hand, would evaporate like spirits of wine. When a viscid fluid like whale-oil was exposed to the action of naked fire, its carbonaceous substance was decomposed, and formed a stratum at the bottom. There was an accumulation of heat in this stratum, much greater than the degree indicated by the thermometer placed in the fluid above. He thought there must be great danger attending its use, for purposes such as those in question; and the result of his own inquiries perfectly corresponded with the experiments made by preceding witnesses. There was always a risk

that the boiler would give way under the pressure of the volatile oil. It was a dangerous and unmanageable fluid, and the more frequently it was subjected to the action of fire, the more volatile and inflammatory it became; insomuch, that combustion would be produced at last with a very small degree of heat, and an accident might easily happen. He should conceive, that the moment when an explosion was most likely to take place would be that, when, after the volatile oil had been detained by the mass standing to cool all night, the fire was applied the following morning, before the pump was set to work.

The LORD CHIEF-JUSTICE, in proceeding to address the Jury, after stating to them the various pleas which had been put upon this record, recapitulated the whole of the evidence which had been adduced from the commencement of the trial. Having finished the reading of his notes, (a task that occupied more than three hours), he drew their attention to those points on which, disentangled from the technicality of pleadings, their judgment was to be exercised. The first question would be, whether or not the premises had been accurately and sufficiently described? because, if the negative of that proposition were established, the policy of assurance would be void, and every other consideration superseded. It appeared that, subsequently to the original insurance, and previous to its renewal, a building, called the New House, and communicating with that already insured, had been erected. The true way of viewing this question was, perhaps, to consider whether, had the alteration been made known to the Insurance Company, they would have deemed an increase of the premium necessary. It was, however, for them to determine, under all the circumstances, whether a more minute and

extended description was required by any positive agreement, or by the printed terms of the insurance. The next issue which they would have to try related to the manner in which the fire had broken out, and to its probable cause. With regard to this subject, it was not extraordinary to find it involved in mystery and doubt. Calamities of this nature could seldom be traced to their actual origin. They usually took place in the darkness of night, and a hidden spark might produce a conflagration. But he could not avoid expressing his surprise that two individuals—Muller, whose business it was to light the fire, and the watchman, who was up all night—had not been called. They were faithful servants, still retained in the employment of the plaintiffs, and were, as they had been informed, present in Court. Sure he was that every man of common sense, out of a court of justice, would, if seeking for information, have expected to derive it from persons in their situation. Unable as he was to account for the non-production of their testimony, and unwilling to draw any inference that should be regarded except in combination with the whole evidence, he thought the omission was much to be lamented. It was true that they might have been called by the defendants; but whether the omission was owing to design or accident, or any other cause, they were deprived of a species of evidence which might possibly have cleared up every doubt. They found, however, that this fire had taken place within three months after the introduction of a process materially different from that which had been used before, and that no fire had ever taken place before this new process was introduced. But then, again, it was for them to recollect—indeed they could not be ignorant—that fires had taken place in many other sugar-houses where the

old process was still in use. With regard to those details to which they had listened, as to the time and manner in which the fire had broken out, it would be needless for him to recall them to their remembrance. These must be still fresh in their minds, together with the subsequent statement of two of the witnesses, that they perceived neither any smell arising from the fire, nor any peculiarity in the colour of its flame. He now came to the last and most important question on which they would have to deliberate. It was, Did the new process produce an increased risk of fire? On this important point they had heard the evidence, he would not say of the most intelligent, but of as intelligent men in chymical and scientific pursuits as were to be found in this country, or in Europe. He had himself read the works of some of them, had derived pleasure from their labours, and entertained the greatest respect for their talents and information. But they had, nevertheless, left the Court in a state of utter uncertainty; and the two days during which the results of their experiments had been brought into comparison, were days, not of triumph, but of humiliation to science. The constellation of brightness which had shone upon them left them in a state of half-knowledge more full of doubt than a state of perfect ignorance. Those who walked in the twilight ought to proceed with caution; and, speaking for himself, he never would apply the contradictory results of experiment to the real and momentous interests of mankind. It must be a matter of general regret to find the respectable witnesses to whom he was alluding drawn up, not on one side, and for the maintenance of the same truths, but, as it were, in martial and hostile array against each other. Volumes had already been spoken, but volumes more must be written before

this subject was likely to be elucidated. For the present, he was himself left in a state of the utmost doubt; but, in his situation, it was permitted to him to continue in doubt. It was the province of the Jury to decide, and he begged them to form their own opinion, without reference to any that he might be supposed to entertain. If they, too, found their doubts still prevalent, whether with more or less assurance, they would remember, that it was for those who averred the increased risk to make out that proposition satisfactorily. Undoubtedly all the evidence not only excluded every suspicion of fraud, but tended to shew that the plaintiffs never apprehended any danger from the new process. They would now, after revolving the whole subject, and directing their attention to those points on which issue was immediately joined, and which he had endeavoured shortly to explain, pronounce such a verdict as was dictated by the honest exercise of their judgment. Any leaning to either side ought to be guarded against, if possible; but, if the difficulties should appear so great as to prevent their forming a decision upon clear and conclusive grounds, that leaning ought to be in favour of a private individual, rather than that of a public company. If, on the other hand, they were satisfied, or could not resist the weight of evidence by which the case of the defendants was supported, they would disregard every other consideration, and find their verdict accordingly.

The Jury then retired, and, after being absent about half an hour, returned, and delivered, through their Foreman, a verdict for the plaintiffs, by which they found, in the first place, that the premises had been correctly and sufficiently described; in the second, that the fire did not originate in the place where the new process was carried on; and, in the third,

that no increased risk was caused by the introduction of that process.—  
Damages, 7200*l*.

COURT OF COMMON PLEAS,

December 13.

SEVERN, KING, & CO. v. THE PHOENIX INSURANCE COMPANY.

This prosecution related to the same fire, and stood on exactly the same grounds as the preceding. In the course, however, of a trial, which lasted five days, much additional evidence was produced, among which is the following:—

Dr Thomas Thomson.—I am Professor of Chemistry in the University of Glasgow. I have directed my attention to the apparatus before me: this was about the beginning of last June. I am acquainted with the ordinary mode of refining sugar. In my opinion, the present plan would be attended with much less danger. The temperature here was about 360: oil boils at 640 There would be no danger if the machine which contained the oil were to leak; if it were a great leak, it would put the fire out; if a small one, it would burn like coal. There was nothing emitted by oil at the temperature of 360 but a little water, which is not the least dangerous. I have tried experiments on whale oil, and I have not been able to satisfy myself that it emits gas at so low a temperature as 640; certainly not lower. It would require a very intense fire to produce that degree of heat. The gas produced from oil will not burn unless it be mixed with six times the quantity of atmospheric air, and not with more than twelve times the quantity. If the whole of the oil used at Severn and Co.'s were to be turned into gas, it would be impossible to

produce combustion, considering the state of the premises. The use of the oil, as described, for two months would produce no change in it, with respect to the facility of producing gas. When oil is heated to a temperature of 640 degrees, it is changed to an inflammable nature. At 500 it produces a light aqueous vapour, which, carrying some oil with it, might burn, but, at that temperature, it could not ascend above an inch or two, if it ascended at all. It is impossible that at 360 degrees any vapour could pass at the mouth of the leaden tube, which is 16 feet from the vessel. No inflammable vapour, even at the heat of 600, could pass from the oil vessel through the tube. It would become oil, and fall down again before it reached near that height. He spoke of whale-oil, and the oil of cod. He tried them both. He tried the action of heat at 360, for six weeks, on oil, and the only change was, that the colour was darker, and, when cold, it was thicker; but it was not rendered more inflammable. Oil, at a temperature of 640, below which it will not produce gas, emits a smell the most offensive in existence. I have been knocked down by it. I know what is called dipples-oil. An application of heat at 360, for two months, would certainly not produce dipple-oil. I have passed whale-oil through a red-hot iron tube three times successively, without producing dipples-oil. Dipples-oil is very inflammable, and boils at 180 degrees. I failed to produce dipples-oil with my own apparatus. It is impossible for such a vessel as was used by Severn and Co. to produce dipples-oil. No change could take place in the oil at the heat of 350 deg. for two months, except its becoming blacker and thicker. At 440 deg. it would not produce any change such as he before mentioned. There is a substance which is found in whale-oil, which, by great pains and

care, may be separated from it, and this, at a red heat, would produce a gas; but this would not burn. I think it is impossible that any danger could occur in this vessel if there were a fire twenty miles long under it. It never could be heated beyond 610 deg. in an open vessel. If the vessel were shut, it might be heated more, but it would burst. In the oil vessel used by Severn and Co it was impossible the oil could have gone into the pipe and got out. At 450 deg. oil increases about a fifth of its bulk; but as there were two-thirds of the room vacant in this vessel, it was impossible the oil could have been raised into the pipe. At the temperature of 340 oil gives out an aqueous matter—a steam which condenses at the top of the vessel. From thence it falls back into the oil; and as the water is heavier than the oil, it sinks; in its way down it is expanded again by the heat, and makes a crackling noise as if the oil were boiling. There is, however, no danger in this. If it were put to me as a problem, I do not think I could set the place on fire by this, unless the machinery was altered. Sugar is very inflammable. It will burn when it boils over. It would then burn as it ran on the floor. I look upon sugar as the most combustible substance next to gunpowder. Pure sugar boils at 250 deg. At a few degrees higher—I believe not more than ten—it begins to emit an inflammable gas, like that from oil, but the difference is, they are produced at different temperatures. The flame of sugar, if the place were close, would be red; if in the open air, it would probably be white.

Dr Davy, a member of the Royal Society, and a brother of Sir Humphrey Davy.—Heard Dr Thomson examined: never made any experiments himself on this oil, but saw some made, on Saturday, at Messrs Severn. At a heat of 350 or 360, a lighted paper,

introduced into the vessel, was extinguished. The vessel was as large as the original one. There were about three inches of oil in it. The other answers of this gentleman concurred, as far as his personal knowledge of the facts extended, with the answers given by Dr Thomson.

Cross-examined by Mr SCARLETT.—His knowledge as to oil, in this case, was confined to what he saw on Saturday last. He had not made any experiments himself; as to oil. He had for some time given great attention to chemical subjects in general.

William Thos. Brande.—Is Professor of Chemistry, and Lecturer to the Royal Society. He made several experiments, with respect to this case, before and since he was first examined. He got a copper basin of sugar and one of oil, and placed them on a fire. When the heat of the sugar was 400 degrees, he put a lighted paper to it, and it took fire; but the paper was quenched when put into the oil. He had made the experiment with the belief that the oil would take fire first. This was before he was last examined. The oil was 600 deg. when the thermometer was taken out. He then put a lighted taper to it, and a blue lambent flame played for a while on the top, and went out. This was in the daytime. What appeared to him to burn was an inflammable vapour. He did not consider that the same effect would be produced by putting the taper to a pipe at the bottom of the vessel. He tried experiments on new and old oil. He took some oil which for 29 days had been exposed to heat of from 400 to 500 degrees; and having again heated it in a bolt-head, or bottle with a long neck, he applied a lighted taper to the tube from it, but found no vapour or gas. He observed that an aqueous vapour was formed, which condensed in the neck of the bottle, and, falling down into the oil,

occasioned a crackling noise, as if the oil were boiling. This vapour was not inflammable. He agreed with Dr Thomson as to the crackling noise, and the cause of it. He once thought that oil boiled at 220 degrees, but he afterwards found that it was the water escaping and falling again. Another experiment was made with oil exposed to a heat of about 400 deg. for 20 days. When it reached 560 deg. a vapour was seen to arise. At 575 a vapour came off, consisting of aqueous matter and oil. At 610 deg. vapour came, which burnt, accompanied with gas, which, being carbonic, did not burn, but extinguished flame. The vapour, at 575 degrees, flashed a little, but he could not say whether it burnt continuously. The last oil was heated in a digester. This experiment was made in June last. As to new oil, he never got any vapour or gas at any temperature below 600 deg. In old oil, in an open vessel, some inflammable vapour was obtained at 550, but no gas. The vapour was not continuously inflammable. The tube from which the vapour came in the second experiment (in June last) was only six inches long. Mr Brande fully concurred in the opinion of Dr Thomson, as to the new mode of refining sugar being much less dangerous than the common. There was much less danger in oil heated to a high temperature than sugar to the same temperature. There would be no danger from oil at 450 or 500 degrees, but from sugar, at such temperatures, there would be imminent danger. On the whole, as far as his experience went, he considered the plan decidedly superior.

Cross-examined.—He conceived that if vapour rose up into the pipe, it would fall down again. That would certainly depend on the temperature of the pipe. The pipe would of course become warmer each time the vapour went up; and if the tem-

perature of the pipe became greater than that at which the vapour was condensed, the vapour would escape. The pipe must be, he should consider, above 500 degrees of heat before the vapour could escape. He could conceive a case where the creation of vapour below was more rapid than its condensation above; and the effect, in time, would be that some of it should escape, and perhaps at a somewhat lower temperature.

Re-examined.—He could conceive that from a vessel of water the steam might escape at the end of the tube, at a heat of 212 degrees. This could not be the case with oil, unless it were elevated to between 600 and 700 deg.; it would then be in the same predicament as water in a vessel at 212 deg. If the melting point of lead was 612, it would melt before this effect could be produced.

Mr Parke examined by the SOLICITOR-GENERAL.—Witness had all his life applied himself to the study of chemistry. He had examined the apparatus, a model of which was now exhibited, for the purpose of giving evidence on the last trial; and he had made many experiments, in order to ascertain the inflammable qualities of oil. In his judgment the new mode of communicating heat to sugar was less dangerous than the old. He apprehended that it was absolutely impossible that danger could arise to the building from the new apparatus.

Michael Ferriday.—Had for a considerable time been engaged in the study of chemistry, and had assisted at some of the experiments of Sir H. Davy. Mr Wilson's plan was well understood by him, and he certainly considered it to be much more dangerous than the ordinary method of refining sugar. During the last two years he had himself, and in company with other gentlemen, made various experiments on heated oil. The first



was made on a quantity of 24 gallons, put into a copper 15 feet by 14, and after it had been heated upwards of 20 days. The boiler was of a circular shape, and the top of it therefore convex. A thermometer was put in nearly at the bottom, and another towards the top of the boiler. It had also a hood and a tube, or vent-pipe. He soon perceived that oil became inflammable in a very different degree after it had been once subjected to the action of fire. By repeated distillation it acquired properties altogether new: it produced a matter which was called *aptha*, and became a volatile instead of a fixed subject. His meaning was, that it arose into vapour much sooner, and he had procured oil which would rise into vapour at the ordinary temperature of the atmosphere, and which would burst into flame on the application of a lighted taper. This was called explosion in chemistry; but it took place without noise, or, at least, detonation. His first experiment had for its object to discover whether oil would yield these inflammable gases at the heat of 360 degrees, and after having been previously heated 22 several times. In a glass retort, he found it would give out such vapours at that point; and when tried on the larger scale in a boiler, it did so at the degree of 110. It arrived at this degree of heat in about ten minutes. He collected the vapours in a pan, and a light caused the atmosphere in it to burn. In 20 minutes, and at the deg. of 460, the oil boiled over. The vapours ascended in jets and spouts, through a pipe two feet high, and placed above the apparatus. In the boiling state, a thick scum formed on the surface, as on boiling milk, and would run over in time, as in the instance to which he alluded, when it flowed over in the fire-place, and they were obliged to throw water on it. This took place in W. Cross-street, and when Mr Tay-

lor and Mr Wilkinson were present. After the fire was put out, the ebullition continued for a considerable time. He tried a small quantity of the same oil at home—it emitted vapour at 410 degrees, and at 480 degrees exploded with a brilliant combustion. The first experiment was made in the month of February, and two subsequent ones were made in the following April. At the first a steam-bin was filled with vapour in 16 seconds, and ultimately took fire; a barrel also was inverted over the apparatus, and its sides were scorched, although the flame went out. [This barrel was afterwards produced in Court; it had been taken, at the time of the experiment, in rather a wet state, from an adjoining yard.] He had not examined the oil farther than to ascertain that it contained no sulphuric acid. On the next experiment the vapour ignited at the degree of 186. He had also examined the effect of fire on sugar, which he found to become quite another substance when so decomposed. With white sugar, however, it required a heat of 430 degrees, in a metallic pan, to alter it. This might be accomplished, with coarse moist sugar, at a heat of 230, but he had not ascertained whether it was inflammable. He felt perfectly confident that oil, used as it was in the process of the plaintiffs, would be rendered volatile, and liable to be very rapidly heated. It would remain in a state of ebullition for two hours sometimes, after the fire was withdrawn. The witness, after describing several further experiments, producing similar results, declared his opinion, founded on these reasons, that the process in question was dangerous, both in a high and a low state of the atmosphere.

Mr Bostock is Chemical Lecturer in Guy's Hospital. He was of opinion that, by the introduction of the new plan of refining sugar, a degree of danger was incurred, which was in no de-

gree counterbalanced by the danger it removed. He had not given very much attention to this particular subject himself, but, from all he saw, this was his opinion. From all he saw since the last trial, his opinion of the danger of the new process was very much strengthened. The greatest degree of danger arose from the difficulty of restraining the temperature of oil at a certain height, the same degree of heat being applied, and also by the change which oil experiences, by being kept for a long period at a temperature of 360. Prepared oil (oil used in this way) acquired a property of giving out vapour at a lower temperature than new oil would do. Another cause of danger was the uncertainty of the effects. We really, he thought, were not sufficiently masters of the subject to use oil as an agent in this way. He was asked his opinion of this apparatus before he saw it, and he gave it—that it was dangerous, for the reasons he now mentioned. It was dangerous so to use oil in a sugar-house, without having made previous experiments on it. At first he was not aware that oil long exposed to the action of heat would emit inflammable vapour at so low a temperature; but before he knew this, he gave the opinion mentioned, on the generally received opinion that oil would emit a gas at a temperature of 600. He also thought that danger arose from the very great difficulty of checking the heat beyond a certain degree by any means independently of the constant attention of the workmen. Another cause of danger was the risk of the vessel leaking, and the oil dropping into the fire, and acting as fuel, and, as connected with this, the danger of the oil in the vessel becoming reduced by such means, so as to become heated suddenly, the same fire being continued under it. Another circumstance which produced some danger, was the difference of tem-

perature in different parts of the vessel. He thought that after the oil had been for some time kept at 360, any accession of heat would be dangerous. In the hands of such persons as usually attended furnaces, all those dangers would be increased, because they would not be on their guard. Witness had listened to Mr Ferriday; had attended some of his experiments; he took notes at the same time, and concurred with him in his deductions from them. He did not measure the heat of the fires used on those occasions. It was difficult to measure the heat of fires exactly. He could not doubt but that the quality of oil was changed by being exposed for a length of time to 360 degrees of heat. This change consisted in its being capable of emitting vapour at a lower temperature than common fresh oil. This would depend on the rapid accession of heat. He saw the experiments at Messrs Severn's, by Mr Parkes and others, on the 9th of December; he took notes of them when he went home. He was informed that the oil he saw used had been exposed to a heat of 360 degrees for 35 days; but that it had been discontinued for some time, and renewed within the last four days. He arrived at half-past 12, and, on the premises, was told that the fire had been lit under the boiler at 9. The boiler was a *fac simile* of the one used in the new apparatus. The fire was moderate and the thermometer stood at 360 degrees. It was opened at top, and a lighted taper put in; but no vapour was perceptible. Fuel was then added, and in 25 minutes the temperature was raised to 376. The vapour did not light even then. There was then a mixture made of the vapour which the vessel contained, with the common air, but there was no combustion. He then saw the old boiler, but it did not appear hot or burst. The experiments he saw were not contradictory to those

he had previously made. He was not surprised at the results, considering the general uncertainty of all experiments with oil. His opinion on the general question was by no means altered by what he saw at Messrs Severn and King's. He agreed with Mr Ferriday, as to the great difference between the heat as ascertained by a thermometer placed near the bottom of the boiler, and one near the top. Sometimes there was a variation of 25 degrees. A thermometer placed half-way down the vessel would not be a correct measurement of the heat at the bottom.

Chief Justice DALLAS, in charging the Jury, strongly expatiated on the difficulties in which the question was involved. A vast body of evidence had been laid before the Jury; medical men, chemical men, eminent men in every department of science, had been examined in the course of the trial; but what was the lamentable result? The Jury had heard opinion opposed to opinion, judgment to judgment, theory to theory, and, what was still more extraordinary, they had seen the same experiments producing opposite results. Who should decide this mighty controversy? He professed himself unable to give an opinion. He was not unacquainted with scientific subjects, but the little he knew only convinced him how much was beyond the reach of his knowledge. In such a case as this, where the testimony was conflicting and opposite, he should not be doing justice, if he were to give any opinion of his own. This he would say of science in its present state, that all that belonged to theory was doubtful, and that all that rested on experiment was new. At present little was known of the action of fire, and that little led to contradictory results. But, without delivering any opinion on the question to be decided by the Jury, he might say, that, in a case like the present, where 70,000*l.* was depending on

the event of the trial, and where it was impossible to impute any intention of fraud, if their opinion should be against the plaintiffs, only because their conduct had been erroneous, were he in the situation of the Jury, he should think it the safest course to decide for the plaintiffs. It was an honest case; and it would be most unfortunate, if, with the purest innocence of intention, the plaintiffs should be subjected to such a loss. There remained now for consideration the point of law. The law was clear; but it would not be necessary to find on that point, if they should decide that the new process was more dangerous than the old; because that would avoid the policy. Therefore, he wished the Jury first to tell him whether there was an increase of danger; and if so, whether the plaintiffs omitted to communicate to the defendants any alteration material to the risk of insurance. He should, with the leave of the Jury, record the verdict, if for the plaintiffs, in such a manner as to enable the defendants to move, summarily, that it be set aside on the point of law, and that a new verdict be entered for the defendants. This he proposed out of mercy to both parties, to save the delay and expense of a new trial. His Lordship concluded by complimenting the Jury for the patient attention which they had bestowed on this long and laborious cause.

The Jury retired at a quarter before 5 o'clock; and, after being absent an hour and three quarters, they returned to the Court, and, through their foreman, delivered a special verdict, finding, on the first part of the case, "That the fire broke out in the mill-house, in the corner of the building next to Union Street, and that it was occasioned by the sugar-pan;" on the second part of the case, "That the new process is less dangerous than the old;" and on the point of law, "That the introduction of the new apparatus

was not so important as to require notice to be given to the insurance office."—Damages 15,000/.

Chief-Justice DALLAS said, as he was of opinion, that, under the construction of the policy, the plaintiffs ought to have given the office notice of the introduction of this apparatus, he should give the defendants leave to move summarily to have this verdict set aside, and a new verdict entered for the defendants. His Lordship added that, in his opinion, the Jury had decided on the safe side. After this decision, both on the facts and on the law of the case, it would be for the directors to consider whether their own interest, and their duty to the public, required them to continue the contest any longer.

#### JAMES MACKCOULL, AGAINST THE PAISLEY UNION COMPANY.

This cause excited an extraordinary interest in Edinburgh. It was generally suspected and believed, that Mackcoull, in conjunction with Hufsey White, a person who enjoyed the reputation of being the first house-breaker in Britain, and with another of the name of Harry French, had, in 1811, robbed the Glasgow branch of the Paisley Union Bank of about 20,000/. The robbers were traced to London, and at the house of Scoltock, a smith, who had been employed in manufacturing the false keys, Hufsey White was apprehended. In consequence of this catastrophe, a negotiation was opened through a circuitous channel, by which the money was offered to be restored, on condition of White being pardoned, and further proceedings dropped. The Bank agent, without sufficient inquiry or security, assented to this proposal,

and procured a pardon for White. He was then introduced to Mrs Mackcoull, from whom, however, he received, not the 20,000/, but something less than 12,000/, her husband having apparently secreted the rest. Mackcoull was thus exempted from the amnesty, and being apprehended two years after, was brought to Glasgow, and held in confinement. The Bank, however, were not able to collect sufficient evidence to convict, and after being kept in custody for some time, he run his letters against the Lord Advocate, and was liberated.

In 1813, Mackcoull came to Leith, in order to convert part of the stolen notes into bills on London. Here, being recognized by Mr Denovan, he was apprehended, and the bills, to the amount of about 1000/., were taken from him, and afterwards transmitted to the Paisley Bank. After a confinement of about three weeks, Mackcoull was liberated, and seems to have been too happy in making his escape, to advance any complaint about the bills at the time. Some time after, however, he was moved by an almost inconceivable rashness and audacity to commence an action against the Paisley Company for the bills which had been taken from him. This he carried on for a series of years, with the utmost violence and pertinacity, denouncing the Bank agents as the real authors of the robbery, and the Scots courts as corrupt and abandoned, for delaying to grant him justice. He even stood three personal examinations, in the course of which, though he uttered the most gross falsehoods, he yet avoided making any avowment by which he was absolutely committed. At length, about the end of 1819, he had pushed the affair into such a state, that the Lords could not avoid referring to the Jury Court the question whether the Bank could

prove their allegation, that Mackcoull had committed the robbery, and had bought the bills in question with notes stolen from them.

The Bank, in the view of this issue, were very considerably embarrassed. They had hitherto been unable to procure any good legal evidence of Mackcoull's guilt; yet, unless they could produce such, they must refund 1000*l.* with six years' interest, and 800*l.* expences, and have the mortification of being braved and mastered by a common London thief and pick-pocket. In this extremity, they employed Mr Denovan to go over the whole ground which the robbers were understood to have taken from Glasgow to London, by Edinburgh, as well as to make every possible inquiry in the English metropolis. Mr Denovan appears to have executed his commission most ably, and succeeded beyond expectation. He not only traced Mackcoull at almost every step on the road, but in London was able, by persuasion or threats, to induce Mrs Huffey White, Scoltock the blacksmith, and other accomplices, to come down and appear as witnesses. The trial came on upon the 11th May, 1820. Our limits will only allow us to give the principal heads of evidence.

Thomson the porter, and Mr Hamilton, teller of the Bank, proved the fact of the robbery having been committed.

Margaret McAulay—Is niece to a person of the name of Stewart, a widow, who, in May of the year 1811, resided at the foot of the Broomielaw, Glasgow: She lived with her at that time, and remembers in that month three gentlemen, who called themselves Moffat, Stone, and Down, coming to Mrs Stewart's house, and taking lodgings. Witness was here asked to describe Mackcoull, which she did, having large black eyes, black hair, fresh

colour, middle-aged, and stout. [Here the defender was called to be confronted by this witness, but he was not to be found; the obstacle was, however, removed by the witness saying she saw Mr Moffat at the door as she came into court.] Mrs Stewart removed to another house on 28th May, and Mr Moffat and his companions went with her; they stayed till Tuesday in the third week of July, when they left; it was Fair week; they had no visitors while they stayed; they went out sometimes in the forenoon, and sometimes in the evening; always dined at home; no one ever dined with them; they had a portmanteau, and a single trunk, and a small box which Mr Moffat [Mackcoull] brought in himself one morning; it was a coarse wooden box, nailed, and about eight or ten inches long; contained, she thought, loose papers; the first night they went out was 28th May, the day on which they removed to the new house, and were out four nights together after twelve, but they generally went out about ten, and came home between eleven and twelve o'clock; always went out before dinner; recollects Mr Moffat going to Liverpool, as he said, and being away a fortnight, and returning; when they finally left Mrs Stewart's, they said they were going to Bristol; she saw Mr Moffat afterwards in Glasgow jail.

David Clachar.—On Sunday morning, before the robbery of the Paisley Union Bank was known, he saw three men sitting on a dyke at the corner of Stirling's road, which is not a great distance from Ingram Street, where the Paisley Union Bank is situated. Mackcoull, whom he identified, was one of them. He saw one of them take a parcel of notes out of a large bundle which they carried, count them, and put them back again. He also saw the same man take a quantity

of silver from his vest pocket, which he counted over and returned to his pocket. The large bundle they carried was tied in a large red and white striped handkerchief or shawl. They had also a smaller parcel wrapped in a checked napkin. They all three rose and went down Taylor Street, as if going to the High Street. As soon as he lost sight of them, he told his wife that he had seen three men who he thought were robbers; this was about four o'clock in the morning.

Alexander Leith, coach-master in Glasgow, sworn—Remembers, on a Sunday morning, after Glasgow Fair, about four o'clock, in July 1811, of James Stirling coming with three men wanting a chaise. That these three men came into witness's house, where they had, while the chaise was getting ready, two gills of rum and two bowls of milk: That, while drinking, they asked for the nearest way to Edinburgh, but did not tell witness, nor did he ask them, where they were going: That the first of these men was about five feet seven or eight inches in height; stout made, and active; full faced; very ruddy complexion—his nose inclining to purple; large black eyes; short black hair; was dressed in a dark-coloured long coat; bluish striped trowsers or pantaloons, light coloured, full made, with boots under them; full neckcloth, as if stuffed; aged at least forty; had a great coat: That he afterwards saw this person a prisoner in London, charged with robbing the Bank, and he then called himself Moffat. The second man was about five feet eight inches in height—lighter made—had trowsers or pantaloons, like Moffat—and had a long dark-coloured coat. These two appeared somewhat like gentlemen. The third man was about five feet nine inches high; slender, and not well made; long dark-coloured coat; shoes

and light-coloured stockings—dress and appearance of a tradesman: That the first described person, whom witness afterwards knew to be Moffat, paid him for the rum, and said he would pay the driver for the carriage: That the third described man carried a small black leather portmanteau with straps; and Moffat had a pretty large parcel tied up in a large handkerchief or shawl, over which he had a rough coarse great-coat, like a driver's coat. Witness said, he would carry this parcel to the chaise for them, which he did, although the said person seemed rather reluctant, and he handed it into the chaise: That, when handing it in, the said person observed that the great-coat was not much worth, but he would soon get a better one: That said parcel might be about the size of two gig cushions laid one above another, and, as he felt, contained parcels, as he thought, of papers: That Moffat seemed to take the whole management. That, on the Monday following, the witness was all day in the country; and in the evening, on his return home, he heard of the robbery of the bank, and just as he heard of it, the chaise which had conveyed the said three men happened to be returning from her trip, and the thought was immediately impressed on the witness's mind, from considering the circumstance of what he supposed to be the contents of the foresaid parcel, and other things of Moffat, and of the other two, that they were the robbers. He had been told before by the driver, of their anxiety for speed; and he communicated his suspicions to the Bank: That, about nine months, or thereabout, after this, the witness went to London for the purpose of identifying James Mackcoul, alias Moffat, who had been apprehended on suspicion of the robbery; and he there, accompanied by a waiter from the inn, saw that person at Bow Street, and

recognized him as the person he has first described.

At Uphall, Edinburgh, Darling-ton, Wellwyn, Mackcoul was identified, under equally suspicious circumstances.

John Scoltock, blacksmith in London. [On hearing this name, Mackcoul rose from his seat, and attempted to get out of court; but the crowd was so great, that he found it impossible to reach the door before Scoltock appeared. The instant he saw him he changed colour, and sunk by the side of the wall in a kind of faint. He was assisted out of court, and did not again make his appearance for some time.]

John Scoltock, sworn.—That, in the year 1810, and while he lived at Tower Street, St George's Fields, in the rules of the King's Bench, of which he was forced to take the benefit, in consequence of having lost a law suit, Houghton White came to lodge at his house, in the character of a coal-merchant, having previously sold him coals for his smithy to the amount of fifteen pounds, for which he granted him his note of hand. After White had lived at his house for some time, he became acquainted with James Mackcoul, who was in the habit of frequently calling on White, and also Harry French, but he knows less of French than of the other two: That, after they became well acquainted, he was prevailed on by Mackcoul and White to make them an assortment of skeleton keys, blanks, pick-locks, punches, files, and other implements of house-breaking, both in 1810 and 1811: That the box, containing articles of that description, which was found in his shop by the Bow Street officers, which came by one of the carriers from Glasgow, (and which he now sees in court,) was furnished by him to Mackcoul, previously to Mackcoul, White, and French, leaving Lon-

don for Glasgow: That the robbery of the Bank at Glasgow, and other jobs, had been long planned by Mackcoul: That, on their arrival at Glasgow, none of the keys in the box were found to answer the purpose: That Mackcoul wrote and informed him of this by letter, and desired him to send down other keys, as described in his letter, by the mail, which he accordingly did in a small wooden box, six or eight inches long, by three or four inches in breadth; and the keys were packed in the box with shavings of wood: That Mackcoul frequently wrote him as to the keys wanted, and sent him drawings from which he endeavoured to fashion the keys he sent in the box; but, as they were found insufficient to open the Bank doors, (having simple, old-fashioned locks,) Mackcoul came to London in person to have the mistake rectified; and, as he informed the witness, told his landlord that he was gone on business to Liverpool: That, on this occasion, Mackcoul brought with him a wooden model of the key-hole and pike of the lock, which enabled the witness to do the needful, and make the proper key: That Mackcoul only corresponded with him, and he believes that neither of the other two could write: That the letters he so received from Mackcoul all bore the Glasgow post-mark: That he received several letters from Mackcoul while in Glasgow, with drawings of the keys he wanted, which he has since destroyed; and he wrote several letters to Mackcoul, while there, which, as well as the small box with the keys, were addressed to the care of a widow woman, whose name he does not now recollect: [The witness was now shewn the box of keys, (by Mr Denovan, who attended in Court,) and was desired to point out those he made by written orders from Glasgow, and sent in the small box, and the key which he delivered to

Mackcull when he came to London. The witness accordingly picked out three keys, a large and two small ones, which he stated to be the same he had sent in the small box to Mackcull; but said that the key he delivered to Mackcull in London was not in the box shewn him, and could not be there, because that box had been sent by the carrier from Glasgow previous to the robbery, whereas the Bank had been entered by the key delivered to Mackcull. A curious skeleton key, made of pewter, was shewn to the witness, and he was desired to say whether it was of his workmanship or not.\* He said the key was made by Huffy White, he believed, in Glasgow, when the keys sent in the small box were found not to answer. White mentioned this to him; and he never heard of such keys having been made by any other man than White.

The witness was now shewn the lid of the box, on which the following address appeared:—"To Mr Little, at Mr Scallop's, Stove-grate Manufacturer, 96, Tottenham-court Road, London," and desired to say whose handwriting it was: "It is the handwriting of James Mackcull."

By the defendant's counsel.—"How do you know it to be the handwriting of the defendant?" "Because my name is Scoltock, and he always writes it *Scallop*—all his letters were addressed to me in the same manner—I know the hand well." That, previous to the robbery of the Bank, he knows that Mackcull, White, and French, left London in a post-chaise, or hired coach, for Glasgow, with the intention of getting into some of the regular coaches on the road; That a black

leather portmanteau came to his shop in Tottenham-court Road, addressed the same as the box of keys, which he carried on his shoulder from thence to his house, No. 5, Tower Street, and put into White's room, where he afterwards saw it seized by the Bow Street officers: That, on their return, both Mackcull and White were at his house, and conversed with him on the subject of the robbery: They said they had done the job.—Thinks White said this: Mackcull observed, that the witness was poor, and should be well paid, and, to use his words, added, "Little one, thou shalt be rewarded." Mackcull said to witness, "You would hardly credit what a precious lot we've *grab'd*, and what sort of notes they are—like dirty, coarse brown paper, and d—d heavy." He said to White, "Huffy, we shan't sell 'em, but go down into the country and smash 'em." White replied, "Jem, we're doing wrong, you or me should go to the other man." Mackcull replied, it was very true; said he would go to the other man, whom the witness understood to be French, immediately; and left the house with an assurance that he would come back and sup with them, but he did not return: That Mrs White came into the house as Mackcull went out. Knows, from the conversations he had with Mackcull and White, that they had robbed a Bank in Glasgow, and that the robbery was planned by Mackcull: That, a short time after Mackcull left the house, as before deposed to, the Bow Street officers came to his house and searched it, and, on finding Huffy White, they took him, as well as the witness, his wife, and Mrs

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\* Scoltock, on being privately questioned about the pewter key, after the trial was over, declared that White had made the same from the chamber upon which he had purloined from his lodgings; and we find, on inquiry, that this is strictly true, such an article having actually disappeared; but the *gentlemen* were not suspected!



White, prisoners to Bow Street: That, after the 12,000*l.* had been given up by Mackcoul and his wife to the Bank, (as they informed him,) he, the witness, frequently reminded Mackcoul of his promise, adding, that he could afford and ought to pay well, seeing he had kept back so much of the money, when Mackcoul answered,—“ Well, little one, have patience. I must go into the country and *smash* them first, and that is not such an easy job, as they are eyeing me in all quarters. But when I get them smashed, you shall be satisfied.”

Mrs White sworn.—Is the widow of the deceased Houghton White, who was executed at Northampton for the robbery of the Leeds mail, in August 1813: Knows James Mackcoul, the defendant in this cause, and saw him below stairs, as she was entering the court: That, in the summer of 1811, and on his return from Scotland, her late husband called for her one morning at three o'clock: She was astonished to see him, not knowing that he had escaped from the Hulks. He told her he had been in a good thing, and had got plenty of money: That he proposed going abroad, “ as he had now enough to live upon,” and would take her with him if she chose; and if not, she might remain where she was, and he would settle a guinea per week on her, as long as she lived: Said he was going somewhere, but would return in a fortnight, and would give her that time to make up her mind on the subject: That he gave her ten pounds, in Bank of England notes, and two pounds in silver, and desired her to go and relieve sundry articles she had pawned, which she accordingly did: That next day her husband sent for her to come to him to the house of John Scoltock, a blacksmith, who resided at No 5, Tower Street, St George's Fields, in the ruins of the King's Bench prison: That she went there in the

evening, and, as she was about to enter the door of the house, James Mackcoul came out, who asked her how she did, and passed on: That, on going up stairs, she found her husband, and expressed to him her fears for his safety in such a place, the more especially as she had seen Jem Mackcoul coming out of the door; but he said, “ it's all very well—we've nothing to fear from him.” She was told that a goose and green pease were getting ready, and that Jem Mackcoul was coming back to sup with them: That just as the supper was about being put on the table, a knock came to the door, and Mr Lavender and other Bow Street officers, she believes Mr Vickery and Mr Adkins, rushed into the house and seized her husband: That they searched every corner of the house; and, under the bed in the room where they were then sitting, they found a black leather portmanteau, and she saw Messrs Lavender and Vickery take from her husband's pocket, a pocket-book, containing money and papers: That she, her husband, and John Scoltock and his wife, were carried to Bow Street: That the witness was detained in custody for some days, and, when released, was permitted to carry with her the black leather portmanteau, which, she believes, belonged to Mackcoul, for she never saw her husband use such an article. And she was confirmed in this belief on opening it, for she found it contained two shirts belonging to Jem Mackcoul, and one belonging to Harry French, but nothing which belonged to her husband: That she burned this portmanteau, by desire of her husband, previous to the L 11,941 odds being returned by Mackcoul and his wife: That, at the desire of her husband, she called at Mackcoul's to learn how things were likely to be: That she saw both Jem Mackcoul and his wife. Mackcoul told her he had caused his wife give

up to the Bank L.12,000, on condition that the life of her husband should be saved, and that no prosecution should take place against himself and Harry French. Communicated this to her husband, then a prisoner in Horse-monger-Lane jail. He flew into a violent passion, and, with the most dreadful imprecations, swore "he would not stand it." Among other things, he said, "What! does the gallows villain mean to do us out of the rest of the money?—Go and tell him that I won't stand it: had all the money been restored, I might have got a free pardon." That she went back to Mackcoull, but he gave her no satisfaction. He merely said he had done the thing—that it could not be undone; and seemed to take great credit to himself for having saved her husband's life: ~~That~~ her husband was shortly thereafter sent to the Hulks: Knows that her late husband, Jem Mackcoull, and Harry French, were well acquainted previous to the robbery of the Paisley Union Bank—has often seen them in company together, and has often heard her husband speak of them. Her husband told her he had been to Glasgow with Mackcoull and French, and had returned in a chaise and four. He added, that they had been closely pursued by the Glasgow people; but had they given him only four days more, he would have been off to America.

Lavender and Vickery, Bow-street officers, proved the facts of the apprehension of White. Vickery added, after White had been committed to Horse-monger-Lane prison, he admitted to witness, that he was concerned, along with Mackcoull and French, in robbing the Paisley Union Bank. That they travelled together in a chaise and four from Scotland; and that they had pretended, at the different inns on the road, as a reason for rapid travelling, that Mackcoull's mother was ill in London. Mackcoull was always con-

sidered as a thief, and had no visible mode of maintaining himself: Knows that he was obliged to fly and be absent from London some years, on account of stolen property having been found in his house.

Thomas Woolley, attorney-at-law, London.—Knows that James Mackcoull, Houghton or Huffy White, and Harry French, were well acquainted, previous to the robbery of the Paisley Union Bank; and Mackcoull often told him that he, White, and French, committed it. Mackcoull also often told him he was afraid he would be forced to give back to the Bank the sum of money he had secreted, after the L.12,000 had been restored by his wife. Had a conversation with Huffy White after he was committed, when he stated, that Mackcoull had, without his consent, given up to the Bank about L.12,000; but he (White) then thought that the money taken from the Bank amounted to L.16,000, and that Mackcoull had cheated him. Had also a conversation with French, after the L.12,000 was given up, who said the same thing, and threatened to shoot Mackcoull: Knows that Mackcoull was in hiding after the money was returned by his wife: Knows that he was advertised: Lived with a prostitute of the name of Reynolds, by whom he was concealed: Knows that he was apprehended by the Hatton-Garden officers, and sent to Glasgow: Knows that, when so apprehended, the said Mrs Reynolds and Ann Wheeler, *alias* Green, his sister, were in his company, and were also taken to Hatton Garden. Knows that Mackcoull frequently assumed the name of Moffat, and also of Martin; and Mackcoull told him that he had been convicted, under the latter name, at Chester in 1810, as a rogue and vagabond, and committed to the Castle of Chester for six months: Knows that Huffy White was in his company when apprehended, and was

proved a returned convict: Knows that when Mackcoull, White, and French, left London to rob the Paisley Union Bank, the two former had no money; and that French sold his household effects to raise funds for that purpose.—Previous to leaving London, Mackcoull was poor, and very shabbily dressed. He depended merely on his wife, who kept a house of a certain description in Oxendon Street, Haymarket: He used to frequent the theatres and pick pockets; and his wife allowed him, by agreement, five pounds a fortnight to keep his pocket: Knows that his mother was a noted thief; his sister, Ann Wheeler, *alias* Green, a loose woman and noted shoplifter; that his younger brother Benjamin was hanged; and his elder brother, John Mackcoull, had been tried for forgery: Knows that Mackcoull had to fly from London in the year 1801 or 1802, on account of stolen property having been found in a house of a similar description, kept by his wife in Clifford's Inn Passage: He then assumed the name of James Moffat.

William Gibbons, coach-master in London, sworn.—Knows James Mackcoull. Knew the late Houghton or Huffy White and Harry French. Knows that those three were well acquainted previous to the robbery of the Paisley Union Bank, and has often seen them together.

By the defendant's counsel.—“Mr Gibbons, do you know James Moffat, the defendant in this suit?” “No; I do not know any person of that name.”

Mr L'Amy.—“Where is your client, Mr Grant?” “Call him in; and I have no doubt the witness will identify him by his proper name.” After some little demur, Mackcoull was got from among the crowd, and came slouching down by the side of the witness's box, and stood in such a direction, hanging down his head, that Gibbons could not see his face. Counsel for the defendant.—“Wit-

ness, do you know that man?” Gibbons, to Mackcoull in a loud whisper.—“Jem, hold up your head, I can't see you.” Mackcoull looked up. Witness.—“Yes; this is James Mackcoull—I never *know'd* him by any other name.” French told the witness that he had sold his effects to raise money to carry them to Glasgow, Mackcoull and White being very poor at the time. Mackcoull called on the witness after the robbery of the Bank in Glasgow, and deposited with him a parcel of Scotch bank-notes, which amounted to £13,000, 7 or 800 pounds: That Mackcoull was, on this occasion, accompanied by his mother. Witness secreted these notes, and had them in his possession for some days. Miss Mackcoull called on him after Huffy White was apprehended, and agreed, at first, that they should be returned through him, by means of Mr Vickery, the Bow Street officer, to the Bank, to save the life of Huffy White. She afterwards called on him, and got them away, saying, she had found out another way for them to go back—told him that a pardon had been got for White, and that neither Jem, meaning her husband, nor French, were to be prosecuted for the robbery. She afterwards told him, she had given up about £12,000. Mackcoull was then in concealment, and for some months afterwards: He lived with a Miss Reynolds, who then resided in Klayton Street, St Pancras, near the Foundling-hospital, and afterwards in Kenton Street, Brunswick Square. He was apprehended at the latter place, in 1812, by the Hutton Garden officers, and sent to Glasgow. Witness was both at that office, when he was in custody there, and spoke to him, and also at the coach office, when he took his departure for the north. Spoke to Huffy White after the £12,000 was returned—White complained that Mackcoull had cheated him—thought

the Bank was robbed of L. 16,000, for they had counted the notes at Wells;† Knows that neither White nor French could write—saw Harry French frequently, after the negotiation; and, after Huffy White was sent to the Hulks, heard French often say, he would shoot Mackcoul, if he found him, for cheating them out of the money. Has seen Mackcoul in company with James Harrison, the brother of Mrs Reynolds. Saw Mackcoul, in 1815 or 1816, going to a ring-match, near London, and spoke to him: In the course of conversation, witness remarked to him, that they were all down upon him for *bucketing his pells*,\* and doing White and French out of so much money Mackcoul answered, sulkily, "It was nobody's business."

Although some ingenious arguments were used by Mr Grant to lighten the pressure of this evidence, yet the decision of the Jury was entirely in fa-

vour of the Bank, and conclusive as to the guilt of Mackcoul.

A few days after, Mackcoul was served with a criminal indictment, and his trial fixed for the 12th June, when the same evidence being produced, he was found guilty and condemned to death. For some reason unknown,\* he obtained successive reprieves; but deep chagrin at his sentence, and probably at the excess of folly which had plunged him into it, so preyed upon him, that both his body and mind gave way under it. His senses often wandered; he was so emaciated, that his acquaintances scarcely knew him; and his hair, which had been of a jet black, in the course of three months became silver grey. At length he died, completely exhausted, on the 22d December, 1820. At no period did he shew any marks of penitence.

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\* Concealing a part of the booty.

## III.

## CHRONICLE

OF

## MISCELLANEOUS OCCURRENCES.

## JANUARY.

*“ Windsor-Castle, Jan. 1.*

“ His Majesty’s disorder has undergone no sensible alteration. His Majesty’s bodily health has partaken of some of the infirmities of age, but has been generally good during the last month.”

— GLASGOW.—We are happy to learn, that those of the deluded artisans who were inconsiderate enough to join the Union Societies, are beginning to have a view of their indiscretion, and are withdrawing from those ridiculous associations. We have received good information, that not one half of the members of those now remaining are Scotsmen, the rest being all the very lowest orders of Irish, many of whom have been compelled to leave their own country for practising those very schemes which they have been so active, but, we are happy to say, so unsuccessful, in inculcating into our peaceful and loyal countrymen.

Paisley continues in a state of considerable agitation. There are so many

out of employ, and so many evil spirits ever ready to take advantage of any tumult, that the smallest incident, or the least disturbance on the public streets, soon makes a formidable appearance, on account of the great number who assemble either to witness or abet the scene; there are so many disagreeable reports perpetually circulating, which, whether true or false, are equally calculated to arrest the attention; cases of individual suffering, of persons arrested, and of the most extensive preparations among the disaffected to attempt some political change, are among the most prominent of these stories. A notion appears to prevail among the most ardent Reformers, that something will soon transpire which will lead to the final attainment of their wishes. The most astonishing delusion has become triumphant on this head that ever existed. For some time past speculation and rumour would make each succeeding week to be the last week of existence in a tranquil state. Another week passes by, and the same deception is

still fostered and propagated. Nothing, however, like an insurrection is likely to occur. Any attack on the part of a disorganized rabble would only be productive of instantaneous destruction to themselves. Every genuine philanthropist must feel for the sufferings of the poor; and it is undoubtedly the incumbent duty of all who possess the means to provide for their wants; but every attempt at lawless confusion must be put down, at whatever cost.

OXFORD, Jan. 9.—A desolating fire was discovered to have broken out this morning, about three o'clock, in the northern extremity of Magdalen-hall, in this University. A great proportion of the inhabitants was immediately roused; and in spite of the unseasonable hour of the summons, great numbers promptly came to the spot, and contributed their zealous aid in working four engines, and thereby quenching the flames. About seven o'clock the fire was got under; but, unhappily, not until a considerable portion of this venerable pile was consumed to a cinder. Sixteen sets of gentlemen's rooms were completely destroyed, and, as they were all tenanted, (although, from its being vacation time, the Members of the Society were almost all of them absent from the University,) the destruction embraced a great deal of furniture, and many valuable collections of books. Owing to the extreme severity of the weather, many of the pumps in the neighbourhood were locked up with frost, and there was some difficulty at first in procuring an adequate supply of water. The accident, it is supposed, arose from the indiscretion of a young man who happened to be resident, and who went to bed without extinguishing his candle. The flame afterwards communicated with the furniture of his room, and occasioned the conflagration. He was, however, luckily awa-

kened from his perilous condition, and no lives were lost. No praise can be too great for the exertions of those who came early to the spot; the Bishop of Oxford was amongst the number, and was exceeded by no one present in the anxiety and earnestness of his efforts to extinguish the flames.

13.—SHELTER FOR THE HOUSELESS.—A meeting was held this day, at Mr Hick's warehouses, London-wall, to consider the propriety of adapting those premises to the reception of the indigent and houseless for the night, during the present inclement season.

The meeting was respectably, but not numerously attended—a circumstance attributable to the shortness of the notice that had been given; and in some degree, perhaps, to the extreme severity of the weather. On those, however, who were present, the latter circumstance operated as a cogent argument in favour of a prompt and liberal subscription for the relief of “the houseless stranger,” at a moment when the misery attendant upon want of employment is aggravated by the bitterness of the season. Amongst those who assembled on this benevolent occasion, we observed the Bishop of Chester, Archdeacon Nares, Rector of All-Hallows, Sir C. Flower, Bart. Mr Rowcroft, Mr D. Barclay, and Duncan Campbell, Esq.

At half past eleven o'clock, the Lord Mayor, who had consented to take the chair, entered the room, accompanied by Mr Sheriff Rothwell. His lordship immediately proceeded to open the business of the day. He said he had to apologize for making his appearance a little later than the time which had been fixed for his taking the chair. Business, however, had prevented his attendance, and he hoped the delay would prove advantageous to the meeting, as it would afford an opportunity for the assembling of a

greater number of gentlemen. The object of their meeting was, he believed, universally understood; and the next point was, to consider how the means so kindly offered by Mr Hick, for lessening the sufferings of the poor, could be adopted and employed so as to produce the greatest possible good. He sincerely hoped that great benefit would arise from the offer made by Mr Hick, and from the proceedings that were about to be instituted. At the Mansion-house every day great numbers of unfortunate individuals made applications for assistance, and they knew not what to do with them. Those who had parishes they were obliged to commit to Bridewell for seven days, as vagrants, before they could pass them to their respective settlements in England; others were sent to Scotland and Ireland; but, over and above these, they had daily applications from persons, some of whom were born in Newfoundland, some in Bermuda, some in the West Indies. Those poor people could claim no parish, and the magistrate was in consequence placed in the most unpleasant situation. The Lord Mayor must either give them something out of his own pocket, or he must assist them with money lodged at the Mansion-house, but not for that purpose. If he did not adopt one of these two courses, he must send them about their business unrelieved. This was so repugnant to the common feelings of humanity, that it could not be done. Under these circumstances, to provide any means for their substantial relief, during this very inclement season, was a most desirable object. It was peculiarly so, as many of those suffering individuals had fought their battles, and assisted in establishing that security which was enjoyed in this free and happy country. (*Applause.*) That there was much benevolence and humanity in this country, no man could doubt; neither did he

doubt that there was plenty of money, especially when a work of charity was undertaken. (*Applause.*) After this short exposition, he hoped every gentleman would see the necessity of providing for those unfortunate persons.

Sir C. Flower.—The best mode we can adopt is to proceed with a subscription.

The Lord Mayor.—There were, doubtless, gentlemen present who had turned the subject in their minds, and would be able to state something better than what he considered himself competent to do. Indeed, the multitudinous subjects in which as Chief Magistrate he was engaged, rendered it impossible for him to turn his mind to the subject as he could have wished to have done. His daily experience proved to him how much wretchedness existed in the metropolis, and the situation of those who were obliged to witness it, without the means of affording adequate relief, was most painful.

The Bishop of Chester presented himself to the meeting amidst loud plaudits. His Lordship said, he had to apologize for trespassing on their time and attention, while he offered a few short observations. He did not know that such a meeting was about to take place, till a few minutes before, when, taking up one of the newspapers, he saw it announced, and, as he highly approved of the plan, he immediately ordered his carriage. (*Applause.*) There were, he believed, some objections against this mode of charity; but indeed there was no species of charity against which objections could not be urged. He was, however, sure, that the advantages of this plan far outweighed and counterbalanced its disadvantages; and therefore, he was ready to bestow his mite on it. (*Applause.*) Indeed, he knew not how any man could sit down quietly in the enjoyment of wealth—could

lay his head on his pillow, with a clear and approving conscience, when thousands, many of them wretched females, were wandering through the streets, without a home to shelter, or a hand to succour them. (*Applause.*) He conceived his bounty was well bestowed on such a benevolent plan; and it had his best wishes for its perfect success. (*Applause.*)

The following resolutions were then proposed by Mr Bodkin, and carried unanimously:—

“That there is at present a considerable number of distressed foreigners and others, wandering about the metropolis and its environs, without shelter during the night, and apparently in danger of perishing from the extreme rigour of the season.

“That it would be highly beneficial if one or more temporary receptacles were immediately opened, in which, under due regulations, the absolutely destitute and houseless could be lodged for the night, and supplied with sufficient food to sustain nature.

“That the premises in which this meeting is held are extremely well adapted to the proposed object; and that the kind offer of them for the purpose, by Mr Hick, be gratefully accepted.

“That, to carry this object into effect, a subscription be now opened, and that the several bankers in London and Westminster be requested to receive contributions.

“That the following gentlemen be a committee, with power to add to their numbers, to whom shall be intrusted the entire management.”

A numerous and respectable committee were then appointed.

18th.—This useful institution goes on to deserve more and more the extensive patronage which it has received and is still receiving. Of five hundred persons, male and female, now housed and fed in this new asylum, not one

has been heard to utter a murmur, either as to the behaviour of the superintendants, or the quality of the food, or the nature of the accommodation; and when it is considered how much profligacy and disposition to cavil may fairly be believed to exist among a promiscuous multitude thus poured at once out of the streets into one centre, it does, we conceive, reflect the highest credit on the managers of this charity to have afforded no opportunity for any feelings but those of at least temporary contentment. The arrangements are extremely simple. The warehouse consists of three spacious floors. On the lower floor is, on one side, a kitchen, with all other conveniences belonging to that portion of a house; on the other side is an office fitted up, where persons are stationed to inquire into the claims of each applicant, not as he or she arrives, (for the appearance of misery is a sufficient passport for the night,) but on the next day, in order that some may be sent to their respective parishes, and others may be furnished with such employment as the committee may be able to provide. On this floor, also, there is accommodation for the city-officers, who are in attendance all night to maintain peace, should their interference be necessary.

The next, which is the principal floor, is divided into two compartments, both of which are for the male applicants; and the smaller compartment is appropriated solely to those who are sick. The larger one is again separated into two divisions, each of which is boarded to the height of about two feet from the ground; and the space thus formed on each side of the room between these boards and the wall is filled with clean straw. The straw is so abundant as not merely to furnish a bed, but a covering also for those who rest in it, and an interval is allowed of about two or three feet between each individual. On the



higher story are the women, the number of whom, however, does not amount to above sixty, but of these many have infant and even suckling children. To those so situated, a superior indulgence is given; besides the straw, they have the benefit of thick woollen rugs; there are also nurses to attend them. It is needless to say that there is no communication between the male and female wards. Besides these means of comfortable rest, the committee supply their lodgers with a substantial meal night and morning, and those who are unable to leave their premises in the day have a third meal. The rooms are at once lighted and warmed by gas, and the ventilation, though of all things the most difficult to manage, is more perfect than we have ever felt it in any room with the same number of persons in it.

17th.—A dreadful fire broke out this morning, at five o'clock, in the house of Mr Kerr, boot and shoemaker, at the corner of Norfolk-street, Strand. The flames were at first discovered in the lower part of the house by the watchmen and some passengers, and an alarm was immediately given. By this means the family were providentially saved from an untimely death. Mr Kerr escaped with scarcely an article of dress upon him. Of all the valuable property on the premises, a few of Mr Kerr's account-books only were saved. The flames advanced with an overwhelming rapidity, and in a few minutes the house was enveloped in one awful blaze. Engines from every fire-office in London soon arrived on the spot, but nearly half an hour elapsed before water was procured. The exertions of the firemen were then directed towards checking the progress of mischief to the adjoining houses. In this prudent effort they were successful in Norfolk-street, but in the Strand they were not equally fortunate. The devouring element

soon caught the dwelling of Mr Cary, the chart-seller, and in a short time that building added to the melancholy grandeur of the spectacle. Soon afterwards the roof and front of Mr Kerr's house fell, with a tremendous crash. The most praiseworthy activity was now devoted to stem the flames in Mr Cary's premises; but they were irresistible, and soon advanced to the adjoining house of his brother, Mr Cary, the optician, which was also destroyed. At half past ten the fronts of these houses were precipitated into the Strand, but happily no injury was sustained by the crowd which was collected. In the back of these buildings still greater mischief is sustained, but the precise amount of damage is not ascertained. The amount of property destroyed has been immense. Mr Kerr, whose house has twice before been on fire within the last four years, it is said, is not insured. There is a complete stoppage of the thoroughfare through the Strand, and, in consequence, much public inconvenience is experienced. While the flames were raging in the Strand, at half past eleven o'clock, a fresh alarm of fire was given on the premises of Messrs Brookes and Son, axletree-makers, on Waterloo-wharf. The immediate vicinity of water, however, and the prompt assistance of the firemen, led to its extinction, after doing some slight damage. The adjoining premises being those of a timber-merchant, the most serious alarm was at one time felt.

20th.—A letter, addressed to his Grace the Duke of Athol, by the operative weavers belonging to Perth, now employed in trenching and improving waste lands, contains the following paragraph:—

“While we cannot but deeply lament the present depressed state of trade, and the long train of domestic hardships it has occasioned in our condi-

tion, it is to us a source of much consolation, that our distresses have excited the compassion of the more opulent classes in the community; and that, though they have by no means been entirely removed by their humane exertions, they have at least been so far mitigated, as to be rendered less pressing and insupportable. Persuaded that murmuring and discontent, accompanied by riotous and disorderly proceedings, could only aggravate the evils we deplore, we have all along endeavoured to bear our misfortunes with the submissive patience that becomes us as men and as Christians; abstaining from all political discussions, and resting in the hope that the government of our country would devise such measures as in its wisdom might seem best calculated to revive the national industry, open up new channels of commerce, and restore to a suffering people those blessings which are the fruits of honest labour and regular employment. Above all, we consider it to be our duty, on the present occasion, to express our utter abhorrence at the dissemination of profane and blasphemous publications, the obvious tendency and design of which is to subvert the influence of our holy religion, and, by weakening the obligations of morality, to dissolve those sacred bonds, without which human society could neither exist nor be an object of desire."

EDINBURGH, Jan. 22.—The Court of Justiciary met in order to proceed to the trial of George Kinloch, Esq. of Kinloch, charged with the crime of sedition. This gentleman, who is a Commissioner of Supply and Justice of the Peace for the county of Perth, presided some months back at a meeting of radical reformers at Dundee, where he delivered a speech, which, it is alleged in the indictment, contained the most inflammatory, mischievous, and seditious expressions, "calculated to degrade and

bring into contempt and detestation the government and legislature of this realm, and to withdraw therefrom the confidence and affections of the people, and to fill the realm with trouble and dissension." Upon the diet being called, Mr Kinloch failed to appear, and he in consequence was outlawed, his bail bond declared forfeited, and all his moveable goods and gear escheated for his Majesty's use.—The Lord Justice Clerk spoke as follows—"Gentlemen of the Jury—I am extremely sorry that you have had occasion to be summoned here, and that there are no further proceedings upon that summons. You must be sensible this is not the fault of the Public Prosecutor. He has done his duty in preferring this charge of sedition against this person, who was regularly cited; but, as he has failed to appear, it remains only for us to pronounce sentence of fugitation against him. In the absence of the Lord Advocate and Solicitor-General, I think it right to state to the Crown Counsel now present, in reference to the person who has this day been fugitated, that the Court trusts especial care will be taken that he do not remain within any part of this realm, but that the Public Prosecutor will use the power of the law to bring him to justice, and to answer to the very serious charge that has this day been exhibited against him." The Solicitor-General here came into Court—"I have just stated, Mr Solicitor-General, that the Court relies upon the Public Prosecutor taking steps to have the person who has just been fugitated apprehended, if found remaining in any part of his Majesty's dominions"—The Solicitor-General replied—"I presume it is not necessary for me to assure your Lordship and the country, that, in as far as his Majesty's Advocate, and those bound to concur with him in the performance of the public duty, are concerned, no exertions shall be wanting to bring to

justice the individual who has now fled from the laws of his country, and to prove that the law will be inflexibly administered to all conditions of the people, and against the highest as against the meanest of his Majesty's subjects." Mr Kinloch, we are informed, is possessed of a landed estate in the county of Perth, amounting to upwards of £5000 per annum. He left Edinburgh for the continent on the morning of the 21st.

#### DEATH OF THE DUKE OF KENT.

*"Sidmouth, Jan. 23, half past one o'clock, p. m.*

"It is with the deepest regret we announce the death of his Royal Highness the Duke of Kent, which event took place at ten o'clock this morning. We have only time to add the following bulletin, and that Major-General Moore is going off express, with the dispatches for the Prince Regent:—

*"Sidmouth, Jan. 23.*

"We have great satisfaction in being able to announce, that notwithstanding the most unremitting attention to his late Royal Highness the Duke of Kent, during the whole course of his illness, her Royal Highness is as well as we could possibly have expected, after so great a degree of anxiety and exertion.

(Signed) "J. WILSON, M. D.

"W. G. MASON, M. D."

Prince Leopold, Captain Conroy, and Generals Weatherall and Moore, were present to afford consolation and support to the Duchess, at the awful and trying event. The Royal Duke bore his affliction and illness with the greatest composure and resignation.

The melancholy event was brought to town this morning by General Moore, who arrived in London at half-past eight o'clock, and drove to Carlton-house in a chaise and four. Carlton-house was soon after closed, as a token of respect to the demise of

the Regent's brother. General Moore then proceeded to York-house and Clarence-house, to communicate the death of their beloved brother to the Dukes of York and Clarence, and the Duchess of Clarence. The General soon after proceeded to Windsor, to communicate the dismal tidings to the Princesses.

The complaint which has thus so suddenly terminated the life of his Royal Highness, was an inflammation of the lungs, with cough, attributed, we understand, to a neglected cold, which he caught from sitting in wet boots after a walk in the environs of Sidmouth, with Captain Conroy. In the morning of Thursday last, his Royal Highness was reported to be in imminent danger; but towards the middle of the day he rallied again in consequence of a little refreshing sleep which he had been enabled to obtain. Towards evening, however, all the alarming symptoms returned again with increased vehemence, and continued so till towards Saturday morning, when a kindly remission of them took place. This, however, proved to be only that fatal relief which so commonly occurs before death ensues.

The situation of his amiable and afflicted Duchess will excite the sympathy of every heart. She was most indefatigable in her attentions upon her departed consort, and performed all the offices of his sick bed with the most tender and affectionate anxiety. She did not even take off her clothes for five successive nights, and all the medicines were administered by her own hands. These mournful duties, though they could not snatch their object from the grave, must at least have smoothed the passage to it; and the recollection of them will be among the strongest consolations of her widowed heart, when the lenient hand of time shall have soothed the keener pangs of sorrow.

27th.—AYR.—The period has now

arrived when men of all ranks have combined their means, and assembled themselves together, to do the homage that is due to their supremely gifted countryman, Robert Burns. On Tuesday last, the anniversary of his natal day, there was laid, near the place of his birth, the foundation-stone of a monument to his memory. Considering the manner in which this has been done, the distinguished characters who officiated at the ceremony, the numerous and respectable witnesses of the scene, and the many and ennobled men, as well at a distance as at hand, who have contributed to this grateful undertaking, a very high honour has indeed been paid to his name, a splendid memorial reared to future ages of our conception of his genius, and another and powerful incentive raised for the emulation of talent. The substructure or base is to be of a triangular form, having allusion to the three districts of Ayrshire; is to be constructed in such a manner as to admit of a circular apartment of seventeen feet in diameter, and is to rise to the height of twenty feet. The superstructure is to be a circular temple of nine Corinthian columns, thirty feet in height, supporting an entablature and cupola, surmounted by a tripod, one of the distinguishing emblems of Apollo. In a niche in one of the three sides of the basement it is proposed to place either a statue of the poet, or an appropriate subject from his works; and tablets with suitable inscriptions are to occupy the other sides. The whole edifice will be upwards of sixty feet high. The situation we have already described. It is in the south-west corner of Alloway-croft, on the top of the bank, fronting, and about equi-distant, from the two bridges of Doon and Alloway-krick, and about a furlong from the cottage where Burns was born. The surrounding scenery has been so often and so glowingly de-

scribed, and is, indeed, so familiar to the bulk of our readers, that it needs not our aid to make it the pride of the natives, and the admiration of strangers. The expense of the monument and its pertinents is estimated at 1800*l*. nearly the whole of which, we believe, has been subscribed. The architect, who spontaneously and gratuitously tendered his services, is Mr Thomas Hamilton, jun., of Edinburgh, an artist of celebrity; and the builder, Mr Connel, is the superintendent of the county buildings, and the builder of the ornamental tower at Kilwinning.

Where so many exalted characters have contributed to this grateful work, and where each man, from the prince to the peasant, has "cast his stone to the cairn," it may probably be wrong to distinguish one more than another. But the enthusiasm, perseverance, liberality, and personal attention, of Mr Boswell of Auchinleck, has been so marked and so excessive, and his nature evidently so congenial to the task, that he falls unquestionably to be characterised as its first, best, and steadiest friend. The personal exertions and individual liberality of our countryman, Sir James Shaw, likewise bear a prominent part in this good work, and cannot be forgotten.

*Whitehall, Jan. 30.*

A letter and enclosure, of which the following are copies, have been this morning received from his Royal Highness the Duke of York, by the Lord Viscount Sidmouth, one of his late Majesty's principal Secretaries of State:—

*" Windsor, Jan. 29.*

"MY LORD,—It becomes my painful duty to acquaint your Lordship, that it has pleased Almighty God to take unto himself the King my beloved Father, and our most gracious and excellent Sovereign. He expired at 35 minutes past 8 o'clock, p. m.

"I enclose the certificate of all the

physicians in attendance at this melancholy period.

"I am, my Lord, ever yours,  
most sincerely,

(Signed) "FREDERICK."

"The Right H. V. SIDMOUTH," &c.

"Windsor Castle, Jan. 29.

"It has pleased the Almighty to release his Majesty from all further suffering. His Majesty expired, without pain, at 35 minutes past 8 o'clock this evening.

(Signed) "HENRY HALFORD,

"M. BAILLIE,

"W. HEBBURN,

"R. WILLIS,

"DAVIS DUNDAS.

"For his Royal Highness  
the Duke of York."

It was not till several days had elapsed from the publication of the bulletin of 1st January, that his late Majesty's symptoms became a source of peculiar anxiety and solicitude to his medical attendants. At that period his disorder returned with greater violence, and, in despite of the utmost skill of his physicians, several of whom remained in constant attendance, continued from day to day to make visible inroads on the health and strength of the Royal Patient. To the inhabitants of Windsor, who had opportunities of observing the increased vigilance that pervaded all the movements about the Castle, the suspicion still infused itself that an unfavourable change had taken place in the health of his Majesty. The lords in waiting, who were Lord St Helens and Lord Hensley, were noticed to remain longer at their post, and to quit their charge for shorter periods than usual. His Majesty, in the early access of his second attack, rejected animal food. The most nourishing diet, in every form that could be devised to tempt his appetite, was prepared for him, but seemed to fail in its purpose of sustaining or recruiting exhausted nature. A few

days before his death he became reduced almost to a skeleton. The general decay to which his constitution was now subjected shewed itself in the usual symptoms. It was evident that his blood was becoming torpid and chilly; for though artificial means were used to raise the temperature of his apartments, yet he continued to manifest increasing suffering from cold. Among other distressing proofs of his debility and approaching dissolution, he lost his remaining teeth; he also lost his appetite, which had been previously so hearty, that it had been usual to medicate his food in order to procure digestion and prevent any injury from the tendency to excessive indulgence. It was not, however, till within two days of his decease that he kept his bed entirely, though for several days past he had not risen at his accustomed early hour. On the night of Friday last the symptoms became so alarming, that Sir Henry Halford came express to town very early on Saturday morning, and had an immediate audience of the Duke of York. The consequence was, that his Royal Highness's carriage was immediately ordered, and without a moment's delay he set forward with post-horses for Windsor-castle. His Royal Highness appeared agitated as he got into the coach; and there was an air of mystery and hurry in the whole affair, which gave but too much reason to anticipate the distressing nature of Sir Henry Halford's communication. At ten o'clock on Saturday morning, the medical attendants, and the lords in waiting, felt assured that the last hour of the venerable sufferer was approaching, and that the day must terminate his mortal career. As the evening advanced, his Majesty became gradually weaker and weaker, but apparently without the slightest pain, till nature was quite exhausted; and, at 35 minutes past 8 o'clock, he breath-

ed his last, without suffering even a struggle. The decay, though rapid, was unaccompanied with any violent and sudden changes; so that none of that physical excitement had occurred which sometimes, in cases of mental derangement, restores to sufferers in their last moments a transient use of their understanding, and embitters the parting hour with a consciousness of their late dreadful situation.

At the moment of his dissolution, there were present, besides the usual attendants, his Royal Highness the Duke of York, Lord Henley, Lord Winchelsea, all the physicians, and General Taylor. In the Palace were the Duchess of Gloucester, the Princesses Augusta and Sophia, and some reports add the Duchess of York.—Immediately after the decease, the Duke of York retired and dispatched General Cartwright with the mournful and important intelligence to the Prince Regent. His Royal Highness did not himself leave the Castle till yesterday morning. The Duchess of Gloucester proceeded to Bagshot about half an hour after the death of her Royal parent; her sisters remained behind. Though all the physicians were present at the dissolution of the King, yet up to Friday those only were in attendance on whom that duty devolved in regular rotation; if we except the occasional journeys during the last week, made to and fro by Sir Henry Hallford, for the purpose, as was supposed, of communicating authentic information to the Prince Regent.

#### ACCESSION OF GEORGE THE FOURTH.

Whereas it hath pleased Almighty God to call to his mercy our late Sovereign Lord, King George the Third, of blessed memory, by whose decease the Imperial Crown of the United Kingdom of Great Britain and Ireland is solely and rightfully come to the high and mighty Prince, George Prince of Wales; we, therefore, the Lords Spiritual and Temporal of this realm,

being here assisted with these of his late Majesty's Privy Council, with numbers of other principal gentlemen of quality, with the Lord Mayor, Aldermen, and citizens of London, do now hereby, with one voice and consent of tongue and heart, publish and proclaim, that the high and mighty Prince, George Prince of Wales, is now, by the death of our late Sovereign, of happy memory, become our only lawful and rightful Liege Lord George the Fourth, by the grace of God, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith. To whom we do acknowledge all faith and constant obedience with all hearty and humble affection, beseeching God, by whom Kings and Queens do reign, to bless the Royal Prince, George the Fourth, with long and happy years to reign over us.

Given at the Court at Carlton-house, this thirtieth day of January, one thousand eight hundred and twenty

GOD SAVE THE KING.

FREDERICK

WILLIAM

AUGUSTUS FREDERICK

WILLIAM FREDERICK

LEOPOLD, Prince of Saxe Coburg.

C. Cantuar	T. Wallace
Eldon, C.	W. Grant
Montrose	John Nicholl
Atholl	R. Richards
Wellesley	C. Arbuthnot
Camden	Robert Peel
Lauderdale	W. S. Bourne
Chatham	Charles Bagot
Bathurst	John Leach
Liverpool	C. Abbot
Mulgrave	R. Dallas
Melville	B. Bloomfield
Sidmouth	Aleshbury
Melbourn	G. Bridges, Mayor
Chetwynd	George Clerk
W. London	C. Robinson
Sam. Carlisle	R. Gifford
Ellenborough	J. W. Croker

C. M. Sutton	G. R. Dawson
N. Vansittart	W. Courtenay
F. J. Robinson	W. Curtis
W. Scott	John Eamer
John Perring	R. A. Cox
James Shaw	John T. Thorp
George Scholey	R. Rothwell
Samuel Birch	J. E. Dowdeswell
Matthew Wood	R. Clark
C. Smith	H. Woodthorpe
Ger. Andrews	T. Tyrell
R. Hodgson	W. Borradaile, jun.
John Ireland	T. Smith
G. Cockburn	H. Taylor
Henry Hotham	W. Keppel
Beshorough	F. T. Hammond
C. Warren	W. Congreve
T. P. Courtenay	N. Knowlys, the
J. S. Cooley	Common Ser-
H. Banks	geant of London
C. Flower	J. Buller
John Atkins	J. Whately
John Sylvester	G. Nayler, York
C. Magnay	

At the Court at Carlton-house, the 30th day of January, 1820, Present, The King's Most Excellent Majesty in Council.

His Majesty being this day present in Council, was pleased to make the following declaration, viz. :—

"I have directed that you should be assembled here, in order that I may discharge the painful duty of announcing to you the death of the King, my beloved father.

"It is impossible for me adequately to express the state of my feelings upon this melancholy occasion, but I have the consolation of knowing, that the severe calamity with which his Majesty has been afflicted for so many years, has never effaced from the minds of his subjects the impressions created by his many virtues; and his example will, I am persuaded, live for ever in the grateful remembrance of his country.

"Called upon, in consequence of his Majesty's indisposition, to exercise

the prerogatives of the Crown' on his behalf, it was the first wish of my heart to be allowed to restore into his hands the powers with which I was intrusted. It has pleased Almighty God to determine otherwise, and I have not been insensible to the advantages which I have derived from administering in my dear father's name the government of this realm.

"The support which I have received from Parliament and the country, in times the most eventual, and under the most arduous circumstances, could alone inspire me with that confidence which my present station demands.

"The experience of the past will, I trust, satisfy all classes of my people, that it will ever be my most anxious endeavour to promote their prosperity and happiness, and to maintain unimpaired the religion, laws, and liberties of the kingdom."

Whereupon the Lords of the Council made it their humble request to his Majesty, that this his Majesty's most gracious declaration to their Lordships might be made public; which his Majesty was pleased to order accordingly.

J. BULLER.

At the Court at Carlton-house, the 30th of January, 1820, Present, The King's Most Excellent Majesty.  
His R. H. the Duke of York  
His R. H. the Duke of Clarence  
His R. H. the Duke of Sussex  
His R. H. the Duke of Gloucester  
His R. H. the Prince Leopold of

Saxe Coburg  
Archbishop of Canterbury  
The Lord Chancellor  
Duke of Atholl  
Duke of Montrose  
Marquis Wellesley  
Marquis Camden  
Earl of Lauderdale  
Earl of Chatham  
Earl Bathurst  
Earl of Liverpool

Earl of Mulgrave  
 Viscount Melville  
 Viscount Sidmouth  
 Bishop of London  
 Right Hon. the Speaker  
 Right Hon. Sir William Scott  
 Right Hon. Sir William Grant  
 Right Hon. Thomas Wallace  
 Right Hon. Nicholas Vansittart  
 Right Hon. Charles Arbuthnot  
 Right Hon. Sir John Nicholl  
 Right Hon. Fred. John Robinson  
 Right Hon. Robert Peel  
 Right Hon. W. S. Bourne  
 Right Hon. Charles Bagot  
 Right Hon. Sir Richard Richards  
 Right Hon. Sir B. Bloomfield  
 Right Hon. Sir John Leach  
 Right Hon. Sir Charles Abbot  
 Right Hon. Sir Robert Dallas

His Majesty, at his first coming into the Council, was this day pleased to declare, that understanding that the law requires he should, at his accession to the Crown, take and subscribe the oath relating to the security of the Church of Scotland, he was now ready to do it this first opportunity; which his Majesty was graciously pleased to do according to the forms used by the law of Scotland, and subscribed two instruments thereof, in the presence of the Lords of the Council, who witnessed the same; and his Majesty was pleased to order, that one of the said instruments be transmitted to the Court of Session, to be recorded in the Books of Sederunt, and afterwards to be forthwith lodged in the Public Register of Scotland; and that the other of them remain among the Records of the Council, and be entered in the Council-book.

The Proclamation of the Accession of his present Majesty, George the Fourth, would have taken place on Sunday, but the 30th being the anniversary of the martyrdom of Charles I. which is observed by statute as a solemn fast in the ritual of the church

service, the ceremony was deferred till yesterday. By 10 o'clock in the morning, the space fronting the Palace of Carlton-house was occupied by great numbers of spectators. Mr Lee, the High Constable of Westminster, with a considerable number of assistants, kept an open passage to the courtyard of Carlton-house, to secure ingress for the different persons who were to compose the procession, and who began to assemble before eleven o'clock. Small parties of the Horse Guards then appeared, and took their station before Carlton-house, and along Pall-mall to the Opera-house. Many of the nobility and gentry began to take their stations round the steps of the grand entrance of Carlton-house. The view at this time was grand and imposing in the extreme, especially when the eye was directed over the elevated space before Carlton-house. The variegated colours; the fineness of the day, the sun shining at this period with peculiar brilliancy; the arrival of the Royal Dukes and the Nobility in their carriages; all contributed greatly to increase the general effect. The crowd in Pall-mall by half past eleven became immense, but all proceeded with the utmost tranquillity.

A little before twelve o'clock the procession was completely formed, and advanced in front of Carlton-house in the following order:—

Farriers of the Life Guards, with axes erect.  
 French Horns of the Troop.  
 Troop of Life Guards.  
 The Beadles of the different Parishes,  
 in their long cloaks.  
 Constables  
 Two Knight-Marshal's Officers.  
 Knight Marshal and his Men.  
 Household Drums.  
 Kettle Drums.  
 Trumpets.  
 Pursuivant  
 Blue Mantle—William Woods, Esq.  
 Rouge Croix—W. Radcliffe, Gent. F.S.A.  
 Rouge Dragon—G. G. Young, Esq.



Portcullis—J. F. Beltz, Esq. F.S.A.  
Herald.

King of Arms—Garter Sir Isaac Heard, Kt.  
supported by two Sergeants at Arms,  
with their maces.

Clarenceux—G. Harrison, Esq.  
Norroy—R. Bigland, Esq.  
Heralds in their full dress.

Windsor—Francis Martin, Esq. F.S.A.  
Chester—G. M. Leake, Esq.

Lancaster—Edm. Lodge, Esq. F.S.A.

York—Sir G. Naylor, Knt. F.S.A.

Richmond—Jos. Hawker, Esq. F.S.A.

Somerset—James Cathrow, Esq.  
Troop of Life Guards.

Several Officers of State, Nobility,  
and Privy Counsellors attended.

Many Members of Parliament followed; and the Dukes of York, Clarence, and Gloucester, and the Prince Leopold, next appeared. The arrangement on this station was most effective, and it was improved on looking into the splendid hall of the Palace, for there were large parties of the Officers of State, &c. Surrounded by these, and supported by his Royal Brothers and Prince Leopold, appeared his Majesty George IV.—The Duke of Gloucester stood immediately in the grand entrance.

At 12 o'clock the guns in St James's Park commenced firing, which was the signal for the proclamation. Sir Isaac Heard, the venerable Garter King at Arms, then stepped forward and stationed himself in the centre of the interesting group collected around the grand entrance. Those about him being uncovered, Sir Isaac Heard proceeded to read the Proclamation. At the conclusion of this ceremony, the company assembled instantaneously huzzaed most enthusiastically. Shouts were heard in all quarters, and the multitude without the walls filled the air with their plaudits. The military with similar ardour joined in the loud, long, and joyous huzzas. The guns continued firing. The bands struck up *God save the King*; and many a

loyal heart, by the satisfaction which beamed on the countenances of all, appeared to beat in unison with the sentiments of that truly national anthem. The Officers at Arms then mounted on horseback, and the procession commenced; it formed in the court-yard, and passed along the crescent made in proceeding round by the portico. It entered Pall-mall through the upper entrance. The officers belonging to the city of Westminster, headed by the High Constable, went first, clearing the streets of the carriages and other obstructions that could easily be removed, and that might impede the march of the procession. The venerable Sir Isaac Heard, after the termination of the ceremony in the front of Carlton-house, did not join in the procession, availing himself of the ancient privilege of Garter King at Arms not to mount on horseback.—The appearance of the procession was beautiful and grand in the extreme, when it was proceeding in full march. The whole party, as they passed along, were warmly greeted with huzzas, especially while they were traversing the front of the palace of Carlton-house; and the approach of the procession towards Charing-cross, where the crowd on foot and in carriages was even greater than in Pall-mall, was announced by the plaudit raised by the assembled populace. The numbers at Charing-cross received considerable accession by the arrival of thousands from Pall-mall, who were desirous of beholding the ceremony of the Proclamation. The increased numbers of the spectators, together with the vast assemblage of carriages of various descriptions, occasioned some interruption to the procession; but by the great activity of the officers, and the willingness of all parties to contribute to the orderly and impressive arrangement of the procession, all obstructions were speedily removed.

The whole party having arrived and formed in the centre of Charing-cross, near the statue, the ceremony of the proclamation was repeated in like manner as it had been performed under the grand entrance of Carlton-palace.

The cavalcade then proceeded onward towards Temple-bar, preceded by an immense crowd. A troop of the Horse Guards arriving first, opened to the right and left, and having cleared a passage to the gates, the Pursuivant at Arms advanced, amidst flourishes of drums and trumpets, when the proclamation of his present gracious Majesty was again read aloud.

The city procession was in waiting at the corner of Chancery-lane. The upper City Marshall, Mr Wotner, was sent forward to the gate at Temple-bar by the Lord Mayor, intimation having been given to his Lordship that there was a loud knocking at the gate, and a demand of admittance from some persons outside.

Mr Wotner went to the gate and said, "Who knocks?"

Voice outside.—"The Herald King at Arms. I attend with a warrant to proclaim King George the Fourth. Open your gates."

City Marshal.—"I shall inform the Lord Mayor that you are in waiting at the gate."

The Marshal then rode back to the Lord Mayor, and having informed him that the Herald King at Arms was in waiting for admission, to proclaim George the Fourth King of England, was directed by his Lordship to give the admission required, which was to be limited to the Herald King at Arms. The Marshal upon going to the gates said to the officers, "Open one side of the gates and admit the Herald King at Arms, and him alone. The rest are to stay behind." The Herald King at Arms then rode in, supported by two of the guard, and

was accompanied by the City Marshal to the Lord Mayor's carriage. The gate was then closed. The Herald King at Arms, with his hat on, presented the warrant for proclaiming the new King. The Lord Mayor, immediately upon receiving the warrant, said, "Admit the whole procession into our city of London." The gates were then thrown open, and the whole procession advanced till it reached the middle of Fleet-street, opposite to Chancery-lane, where the proclamation was read aloud. Loud huzzas succeeded the reading of the proclamation, and handkerchiefs and hats were waved in the air. The procession, which had become considerably greater by the addition from Westminster, then advanced into the city, and reached Wood-street, Cheapside, with very little interruption. At the south side of Wood-street, in the centre of Cheapside, it stopped, and the proclamation was then read.

The cavalcade then moved on to the Royal Exchange, where the same ceremony was observed. The carriages of the several Aldermen, 16 of whom were in attendance, met with various receptions to which they have been accustomed, and which the public are not very delicate in shewing, particularly when those come within their observation who are not very popular. Alderman Atkins was treated in the most brutal manner. A set of ruffians gathered together in a band and hooted at him, at the same time that they seemed very busy with their hands amongst the incautious gentry who were gaping at the show. Several of these fellows threw mud at the coach, and one of them threw something of a more dangerous kind, for one of the windows of the carriage, which it had been found necessary to put up on account of the violent conduct of the mob, was broken. The activity of the officers was here exercised with the

desired effect, and the fellow who broke the window was secured and taken to the Mansion-house, from whence he was conducted to Giltspur-street Compter, upon this very serious charge.

The procession, after having left the Royal Exchange, advanced to Aldgate-pump, where it made a short pause, after which it returned to the Mansion-house, through Fenchurch-street and Lombard-street. The Lord Mayor and Aldermen here separated from that part of the procession which had been admitted at the gate, and retired to partake of a sumptuous collation which was provided for them. The remainder of the procession then returned to Westminster in the same order as it came. Bands of music preceded the State carriage, and played for the most part during the procession *God save the King*.

## FEBRUARY.

*"Carlton-House, Feb. 1, 1820.  
Half-past 3 o'clock, p. m.*

"The King has been attacked with inflammation on the lungs. We hope a favourable impression has been made on the complaint, but his Majesty still continues severely indisposed.

"WILLIAM KNIGHTON.

"MAT. JOHN TIERNEY."

*"Carlton-House, Feb. 1,  
11 o'clock, p. m.*

"The King is better; his Majesty has had some refreshing sleep, and the symptoms of his Majesty's disorder are considerably alleviated."

*"Carlton-House, Feb. 2.*

"The King continues rather better. The inflammation in his Majesty's chest is diminished."

*"Carlton-Palace, Feb. 2.*

*11 p. m.*

"The King's symptoms have all

been more favourable throughout the day. His Majesty has had three hours' refreshing sleep this evening.

*"Carlton-Palace, Feb. 3,  
Half-past 11 a. m.*

"The King has not passed a good night, but all his Majesty's symptoms are still favourable."

*"Carlton-Palace, Feb. 3,  
Half-past 9 p. m.*

"The King is in all respects much better."

*"Carlton-Palace, Feb. 4,  
Half-past 9 o'clock, p. m."*

"The King has passed the whole of this day more satisfactorily than any preceding one since the commencement of his Majesty's severe illness."

**THE KING'S HEALTH.**—The King's Palace, in Pall-Mall, was yesterday thronged the whole of the day with the different branches of the Royal Family, the Foreign Ambassadors and Ministers, the Cabinet Ministers, the Great Officers of State, the Nobility, Members of the House of Commons, the gentry, and others who have been presented at Court, and who are therefore entitled to the honour of leaving their names to inquire after the Sovereign, as well as great numbers of others, including several of the Society of Friends, or Quakers, making their anxious and dutiful inquiries. The Physicians were, as usual, in constant attendance. The following was the first bulletin:—

*"King's-Palace, Pall-Mall,  
Feb. 4.—12 o'clock*

"The King slept only at short intervals in the early part of the night; but his Majesty had three hours of uninterrupted sleep this morning. His Majesty's disorder is proceeding in its usual course, in a favourable manner.

"HENRY HALFORD.

"WM. KNIGHTON.

"M. J. TIERNEY."

# FUNERAL OF HIS ROYAL HIGHNESS THE DUKE OF KENT.

The body of his Royal Highness lay in state for a short time at Woolbrook-cottage, Sidmouth, previous to its final removal from a scene which, but a few days before, was distinguished by all the smiling joys of domestic bliss and social happiness. This ceremony took place on Sunday se'night, in a spacious room, which was hung with black cloth, and lighted with 30 wax candles. The coffin and urn were raised upon trestles, and covered with a rich velvet pall, turned up at each end to show the splendid materials of which they were composed.

At the head of the coffin was raised a superb plume of feathers, and three smaller plumes were placed on each side; on the right and left of it were three large wax tapers, in solid silver candlesticks, standing nearly five feet high. The number of persons who were admitted to this solemn spectacle was immense for a country town. The company entered at one door, and, having walked round the Royal remains, made their egress by another. The greatest order and regularity prevailed.

On Monday the procession towards Windsor commenced, attended by an immense concourse of spectators from the surrounding country, who sincerely lamented the early loss of one to whose future residence among them they had looked with the most pleasing anticipations.

Nearly 30 carriages of the nobility and gentry of the neighbourhood attended the procession about 3 miles out of town. Among them were those of the Right Hon. Lord Rolle, the Right Hon. Lord Graves, Sir J. Ken-  
naway, Bart., Sir Joseph Scott, Bart., Sir Edward Stracey, Bart., Edward Lee, Esq., Henry Stewart, Esq., Thomas Dashwood, Esq., Mr Phillipps,

D. O'Brien, Esq., &c. &c. The carriages which carried the gentlemen and tradesmen of Sidmouth, who had received an appointment from his Royal Highness, followed his remains to a mile beyond the town of Honiton. During that day the cathedral and parochial bells of Exeter tolled for one hour, and most of the shops in the city were closely shut till 12. Upon the arrival of the procession at Bridport, the remains of his Royal Highness were placed in the church there, under a military guard, during the night of Monday.

On the following morning, at ten o'clock, the procession moved in the same order, halting on Tuesday, the 8th, at Blandford; on Wednesday, the 9th, at Salisbury; and on Thursday, the 10th, at Basingstoke; the same arrangement being observed for placing the remains of his late Royal Highness, each night, as at Bridport.

As the mournful procession passed through the cities and towns on the road, the bells of the churches tolled, and the shops were closed. The escort was occasionally formed by the yeomanry cavalry of the respective districts; and in several towns the local authorities received and joined the cavalcade.

On Friday it moved on in the same order to Cumberland-lodge, which is situated in the Great Park, on the south side of Windsor, and arrived there at six o'clock in the evening.

From 12 o'clock on Saturday morning until its ultimate removal in the evening, the body of his late Royal Highness lay in state, and was visited by many persons, who proceeded to the Lodge, notwithstanding the distance was upwards of three miles from Windsor. The spectators entered at the great hall, from whence they proceeded to the drawing-room, a spacious apartment, hung with black draperies, and lighted with wax tapers, fixed in silver

sconces on the walls. The body was placed under a canopy, ornamented with escutcheons; and over the coffin, which was covered with crimson velvet, was a pall, also adorned with them. On each side of the body four large wax lights were burning in massive silver candlesticks. At the head of the coffin sat two gentlemen of his late Royal Highness's household. The spectators passed round the coffin, and then retired.

At 7 o'clock the several departments of the procession, as it was to move from Cumberland-lodge, assembled on the lawn in front of that edifice, where they were marshalled in proper order. About half past nine o'clock the Duke of York, and the Dukes of Clarence, Sussex, and Gloucester, together with his Royal Highness Prince Leopold, who had arrived at the Dean's house about 8 o'clock, put on their mourning robes, and went to the Chapter-house to meet the procession from Cumberland-lodge. Here it underwent a second arrangement, and the arrangement then fixed upon was the arrangement observed in the chapel.

Upon its arrival in that place, the drums and trumpets of the Royal household, the Knight-marshal's men, and the servants and grooms of the Royal Family, filed off without the door.

At the entrance of the chapel the Dean and Canons, attended by the choir, received the body.

A awful silence pervaded the spectators in the chapel as the solemn service commenced with the Dean of Windsor's distinct and impressive delivery of the opening verses of the burial service, which occupied him until he reached his stall. The procession then separated to the right and left, and the coffin, which was of such a size as not to allow its passing without some difficulty through the opening of the vault into which it was to

be deposited, was placed on the moveable car, invented by Sir W. Congreve, for the Queen's funeral. It was then propelled by mechanical power to the platform, from which, by imperceptible machinery, it was afterwards let down into the tomb. This contrivance was invented to alleviate the labour of the bearers, which on former occasions had been found almost insupportable.

The Duke of York, as chief mourner, sat at the head of the corpse, his supporters on either side, and the bearers of the canopy. The Rev. Dean then went through the ordinary service for the dead; the responses being made by the choir. During the performance of that part which begins with, "Man that is born of woman," the coffin was gradually lowered; and at the pronouncing of the words, "Earth to earth, ashes to ashes, dust to dust," a small quantity of consecrated earth was dropped upon the lid. The closing part of the solemn ritual was then read, and the style and titles of the lamented Prince were proclaimed in the usual form by Sir Isaac Heard, who has now arrived at the venerable age of 90, in a clear and distinct voice as follows:—

"Thus it hath pleased Almighty God to take out of this transitory life, unto his divine mercy, the most high, most mighty, and illustrious Prince Edward, Duke of Kent and Strathern, Earl of Dublin, Knight of the most noble Order of the Garter, Knight Grand Cross of the most honourable military Order of the Bath, and Knight of the most illustrious Order of St Patrick, fourth son of his late most sacred Majesty King George III., of blessed memory, and third brother of the most high, most mighty, and most excellent Monarch, George IV., by the grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, King of Hanover, and Duke of Brunswick

and Lunenburg, whom God bless and preserve with health, long life, honour, and all worldly happiness."

Throughout the awful ceremony, all eyes were turned upon their Royal Highnesses the Dukes of York, Clarence, Sussex, and Prince Leopold, whose feelings it is almost impossible to describe. His Royal Highness the Duke of Sussex, so long the intimate companion and resident under the same roof at Kensington-palace with his lamented brother, in vain rallied his firmness to support him under this trying affliction. Their congenial feelings, the reciprocity of their active and benevolent pursuits, rushed upon his mind; the sudden rupture of their earthly connexion, under circumstances so peculiarly calculated to awaken the most poignant grief, called forth all those sensations which only the good can feel, and his Royal Highness gave vent to his feelings in unrestrained and overwhelming anguish. The grief of Prince Leopold was manifested in a calmer but not less expressive manner. His Royal Highness appeared sunk in abstract contemplation. He now mourned for the husband of his sister—when last in this chapel he wept over the bier of his wife, the beloved and lamented daughter of England. The Dukes of York and Clarence seemed equally to feel the bitter separation to which they were doomed from the object of their fraternal affection. This melancholy scene was rendered still more poignant to them by the sad impression, that mournful as it was, it was but the prelude of the more formal, though equally lamented burial of a parent, who had endeared himself throughout a long reign, by the exercise of the most lasting virtues. Three days will not elapse before these illustrious mourners will have to stand on the same spot, to take a last view of the remains of a beloved parent, sinking into his tomb

amid the affectionate attachment of a free people. The association of these feelings could not fail to arouse the acute sensibility of their Royal Highnesses, under a combination of circumstances at once so melancholy and distressing.

#### FUNERAL OF HIS LATE MAJESTY.

*Heralds' College, Feb 10.*

"All Peers, Bishops, eldest Sons of Peers, and Privy Councillors, who propose to assist at the interment of his late Most Sacred Majesty King George the Third, of blessed memory, which is appointed to be solemnized in the Royal Chapel of George, at Windsor, on Wednesday evening next, the 15th instant, are requested to signify their intention by letter, addressed to me at this College, on or before Monday next the 14th instant, at 2 o'clock, in order that the necessary ticket of admission may be transmitted to them respectively.

"All Peers, eldest Sons of Peers, and Privy Councillors, are to appear in full dress, black; the Knights of the several Orders wearing their respective Collars; and the Bishops will appear in their Rochets.

"HENRY HOWARD MOLYNEUX

"HOWARD,

"Deputy Earl Marshal."

We have now to describe the ceremonial of lying in state, which spectators are admitted to see from ten this morning till four in the afternoon. Numbers assembled early, at Queen Elizabeth's Gate, leading to the Upper Castle-yard, on the north side of which are the state apartments, where in the royal corpse lay. The crowd increased from some unforeseen delay in the arrangements, so that there was no admission till eleven, when the gates were opened. An unpleasant confusion naturally ensued for awhile. A guard of honour was drawn up on the lawn in the Upper Castle-yard. But

the police officers in attendance directed the public to take a diagonal path from the outer gate to that in the north-east angle, which leads to the kitchen and buttery offices. At this gate a guard was placed, who admitted a few at a time, to prevent confusion. They were assisted by Knight Marshals' men in black scarves, &c. The company ascended by a narrow old spiral staircase, leading to an old apartment opening into St George's hall, through which spectators passed into the Great Guard Chamber facing the Terrace, by a passage enclosed by a rail covered with black, and were directed by some of the Life Guards. Thence they proceeded on the left through the Audience Chamber into the Presence Chamber. These apartments, and the drawing-room, were lined, ceiling and walls, with dark purple cloth, partly disposed in folds, or festooned. The Audience Chamber was lighted with 20 double branches on silvered escutcheons; the floor was partly railed off, covered with black, within which was a party of the yeoman in deep mourning.

The Presence Chamber was lighted by twenty silver sconces, each containing two wax lights. On the left, a number of the yeomen of the Guards, dressed in deep mourning, their halberds hung with black crape, were drawn up in a line. You now entered the Audience Chamber, which was that in which the remains of our venerated Sovereign were placed. Here a mournful splendour was thrown over the scene by a profusion of wax lights displayed in rows on each side, and at the end of the room. A temporary throne was erected, richly hung with black cloth, under which the coffin was placed on a platform. Captain Cipriani attended in close waiting. The throne, steps, and footstool, under the organ gallery, where the pic-

ture of Handel is placed, were covered with black.

At the head of the coffin sat Lord Graves (one of the Lord Chamberlains), as chief mourner; he was supported by Sir George Campbell and Colonel Wotley. At the end of two hours Lord Graves was relieved by Lord Delaware, and the two supporters by Colonel King and the Hon Cavendish Bradshaw.

At the foot of the coffin were placed two heralds, Francis Martin, Esq., Windsor; Joseph Hawker, Esq., Richmond. These gentlemen were attired in their official costume, and were likewise relieved occasionally by two other Heralds, Edmund Lodge, Esq., Lancaster; George Martin Leake, Esq., Chester. In other parts of the chamber, and within the railing by which the royal coffin was separated from the public, ~~the~~ four of the late King's Gentlemen Ushers, four Pages, two Grooms of the great Bed-chamber (Messrs Chalmers and Seymour) together with ten Gentlemen Pensioners, all clad in deep mourning, and wearing silk scarves.

#### THE INTERMENT.

At half past five o'clock, a strong body of cavalry, composed of detachments from the 1st and 2d Life-Guards and the Oxford Blues, formed two lines, extending from the entrance to the lower court, down Castle-street, and for a considerable distance up High-street and Park-street. The space in the centre of the two lines was kept clear for the convenience of those who had tickets of admission to the lower court. Some confusion arose while the cavalry were taking their position, and the feet of one or two individuals suffered from the trampling of the horses. But, on the whole, as much order and regularity were preserved as could possibly be expected under the peculiar circumstances of the case, when an immense concourse

of people was rushing forward to obtain admittance to the lower court, through which the funeral procession was to pass to St George's Chapel. On the terrace, to the right of the entrance into the court, a large detachment of the Life Guards and Oxford Blues were stationed. They afterwards formed a line within a few feet of the platform, and thus protected from excessive pressure those persons who were fortunate enough to procure stations immediately adjoining to that temporary erection. At six o'clock orders were given to admit those who had procured tickets from the Groom of the Stole, and a furious rush immediately took place. Sufficient precautions had, however, been taken to prevent any person forcing his way without the necessary credential. Those who came to see the procession at first lounged up and down the Castle-yard, as if uncertain as to the point from which it could be seen to the best advantage; but, at last, the necessity of settling in some one fixed point or other, became apparent to them, and in many cases they fixed upon the very worst points of view which could have possibly been selected. The platform was similar to that erected on the occasion of the funeral of the late Queen, and extended down the south aisle to the west-gate, and up the nave to the choir. It was covered entirely with black cloth, with a railing on each side of about three feet in height, also covered with black. Immediately without this railing a space was left for the soldiery, by whom it was afterwards lined, and for the Eton boys, who were permitted to be present, to the number of near a hundred. In the north aisle, benches were erected in a gradual ascent to a considerable height, for the accommodation of those who had received tickets, who formed part of the procession. Over the descent to the Royal cemetery, a magnificent canopy of purple velvet was erected, sur-

mounted by a crown and cushion. The corpse was formed of a richly gilt Gothic scroll, from which depended festoons, each charged with a royal escutcheon. This kind of canopied temple, or *baldaquin*, had a very imposing effect.

The ordinary lights of the Chapel being insufficient to render the ceremony distinct, the number of candles was increased; branches were affixed to every Knight's stall and around the altar, and three large brass chandeliers were suspended from the ceiling, each containing an immense number of wax lights. This had the desired effect, and the effulgence was sufficient to enlighten every part of the building. Additional seats were raised on each side of the altar for the foreign ministers, and for those illustrious individuals who attended the funeral. Besides this, the Organ-loft, which contained 94 persons, was prepared for the reception of people of distinction. These were the only places allotted for spectators; consequently the numbers admitted to witness the funeral service were extremely limited. Such was the demand for tickets, that we have heard of even fifty guineas having been offered for one to the aisle; without success. The Choir was prepared with a magnificence far exceeding what had been witnessed at the late Royal funerals.

Soon after 8 o'clock the 9d regiment of Guards, in white gaiters, were marched on that portion of the platform which joined the Gothic porch, from whence the funeral procession was to issue, without the south door of St George's Chapel. Some difficulty was encountered in marshalling them, and a considerable delay was the consequence. They were ultimately formed in two lines, one on each side of the platform. They rested on their reversed arms. Many of them carried flambeaux, but the lights were not distributed with any degree of regularity.



The noblemen and gentlemen appointed to form a part of the procession assembled at St George's-hall at 7 o'clock, and were then marshalled in the order of procession by George Naylor. At the same hour his Royal Highness the Duke of York, who appeared, to be deeply affected, took his seat at the head of the coffin as chief mourner, attended by his supporters, where his Royal Highness remained until 9. At 9 o'clock the symphony to the Dead March in Saul reverberated as from a distance through the Castle walls, and shortly afterwards the procession began to move from the state apartments towards St George's chapel. Again, after a short interval, the trumpets sounded as from a short

distance the same symphony; the minute guns joined their mournful discord; and the bands of the Coldstream struck up the Dead March. This was repeated several times before the procession came into the lower yard at all; at last, it burst upon the public view, and as it passed along the dense line of spectators, created on every side a most striking and imposing effect. As the coffin arrived near them, every individual was uncovered, and remained so, as a last mark of respect to the Sovereign whom he had so much loved and respected whilst living.

The procession moved in the following order:—

Knight Marshal's Men, two and two, with black Staves. S. 10211  
 Trumpets and Kettle Drums, and Drums and Fifes of the Foot Guards.  
 Poor Knights of Windsor.  
 Pages of His late Majesty.

Apothecaries to His Majesty.

Surgeons to his Majesty.

Apothecaries to His late Majesty.

Surgeons to His late Majesty.

The Curate and Rector of Windsor.

Gentlemen Ushers Quarterly Waiters to His Majesty.

Pages of Honour to His Majesty.

Grooms of the Privy Chamber to His Majesty.

Sergeant Surgeons to His Majesty.

Physicians to His Majesty.

Physicians to His late Majesty.

Household Chaplain to His late Majesty.

Clerks of the Closet to His Majesty.

Equerries to the Royal Family.

Equerries to His Majesty.

Clerk Marshal and First Equerry.

Gentlemen Ushers of the Privy Chamber to His Majesty.

Grooms of the Bedchamber to His Majesty.

Master of the Robes to His Majesty.

Solicitor-General.

Attorney-General.

Barons of the Exchequer and Justices of both Benches.

The Lord Chief Baron.

The Lord Chief-Justice of the Common Pleas.

The Vice-Chancellor.

The Master of the Rolls.

The Lord Chief Justice of the Bench.

Comptroller of the King's

Treasurer of the King's

Household.

Household.

Privy Councillors (not Peers)

Pursuivant.

Eldest Sons of Barons.

Eldest Sons of Viscounts.

Pursuivant.

Barons.

Pursuivant.

Bishops.

Herald.

Eldest Sons of Earls.

Viscounts.

Herald.

Deputy Earl Marshal.

Eldest Sons of Marquises.

Herald.

Earls.

Eldest Sons of Dukes.

Herald.

Marquises.

Herald.

Dukes.

Herald.

The Lord Privy Seal.

The Lord President of the Court.

The Archbishop of York.

The Lord Chancellor.

The Archbishop of Canterbury.

Norroy King of Arms.

Usher of his Majesty's Bedchamber.

Groom of the Stole  
to His Majesty.

Master of the Horse  
to His Majesty.

### THE ROYAL CROWN

OF HANOVER,

borne, on a purple velvet cushion,  
by Blanc Coursier King of Arms.

### THE IMPERIAL CROWN

of the United Kingdom,  
borne on a purple velvet cushion,  
by Clarenceux King of Arms.

The Lord Steward of  
His Majesty's Household.

The Lord Chamberlain  
of His Majesty's Household.

A Gentleman Usher.  
Five Gentlemen Pensioners  
with axes reversed.

Supporters of the Canopy.  
Five Peers.

Supporters of the Pall,  
Three Dukes.

Covered with a fine Holland Sheet and a Purple Velvet Pall, adorned with  
Ten Escutcheons of the Imperial Arms, carried by Ten Yeomen  
of the Guard, under a Canopy of Purple Velvet.

First Gentleman  
Usher Daily Waiter  
to His Majesty.

Supporter :  
A Peer

Garter Principal King of  
Arms.

THE CHIEF MOURNER,  
in a long Black Cloak, his Train borne  
by Two Peers, assisted by the Vice-Chamberlain  
of His Majesty's Household.

Supporter :  
A Gentleman  
Usher.

Supporter :  
2d Gentleman Usher  
Daily Waiter to  
His Majesty.

The Master of His  
Majesty's Household.

A Gentleman Usher.  
Five Gentlemen Pensioners  
with axes reversed.

Supporters of the Canopy.  
Five Peers.

Supporters of the Pall,  
Three Dukes.

Gentleman  
Usher of the  
Black Rod.  
Supporter :  
A Peer.

Sixteen Peers, Assistants to the Chief Mourner.

PRINCES OF THE BLOOD ROYAL,  
in long Black Cloaks, the train of each borne by two Gentlemen of the  
respective Households of their Royal Highnesses.

The Council of his Royal Highness the Duke of York, as Custos

Personæ of His late Majesty.

Master of the Household  
to His late Majesty on  
the Windsor Establish-  
ment.

Groom of the Stole  
to His late Majesty  
on the Windsor  
Establishment.

Vice Chamberlain to His  
late Majesty on the  
Windsor Establish-  
ment.

Lords of His late Majesty's Bedchamber.

Grooms of His late Majesty's Bedchamber.

His late Majesty's Trustees.

Equerries to His late Majesty.

Gentlemen Pensioners with their Axes reversed.

Yeomen of the Guard with their Partizans reversed.

The procession from the grand porch to the south door of St George's Chapel afforded to thousands of spectators a scene of funereal grandeur, at once the most solemn and picturesque. The long train of distinguished personages, habited in their mournful costumes, relieved only by the occasional parti-coloured magnificence of heralds, was rendered quite visible to the beholders by the lights of the torches borne by the soldiery, who lined on each side the temporary way. The evening was dark, but the torch-lights produced the finest imaginable effect.

#### THE CHAPEL.

At half past seven a detachment of the First or Grenadier Guards were marched into the middle of the aisle, and took their stand on each side of the railed way, through which the general procession was to pass. At eight o'clock their arms and standards were reversed, and every second man was supplied with a large wax taper lighted. A whole hour now elapsed, which was not marked by any incident except the sound of the solemn firing, of the minute guns. At nine o'clock a mournful flourish of trumpets, but faintly heard in the aisle, announced that the procession had begun to move, and every eye was immediately fixed

in anxious expectation towards the spot by which it was to enter. In a few minutes the van entered the aisle, consisting of the Poor Knights, followed by the Pages; and then by slow degrees, the whole body moved forward in the order described in the ceremonial. It is impossible to conceive a more striking, a more deeply impressive spectacle, than that which now presented itself. All that is distinguished in rank or station, judges, generals, bishops, privy councillors, peers, were seen in silent march accompanying to the tomb the corpse of a mighty monarch, so lately the fountain of honours, but now a mere memento of the fragility of all earthly grandeur. In addition to the solemnity induced by this general reflection, every heart seemed to feel personally a particular grief at the loss of a friend and father. Among the distinguished persons of opposition who had come to pay their homage to the memory of their venerable Sovereign, were the Duke of Bedford, Earl Grey, the Earl of Lauderdale; and it was gratifying to see that those who differed in all points of politics, agreed in one thing—that all the respect which individuals have it in their power to bestow should be paid to him who had so long adorned the kingly office with “mild wisdom” and undeviating worth. As the pro-

cession moved slowly along, we were able to observe the several Dukes who had been appointed to bear the pall; and, unless our eyes deceived us, we saw the Dukes of Wellington, Buccleuch, Newcastle, Dorset, Northumberland, and Athol. The canopy over the coffin was borne by Marquises, among whom we perceived the Marquises of Stafford, Buckingham, and Cholmondeley. Almost immediately before the coffin, a most imposing effect was produced by the array of national banners, carried by different noblemen. The Union Banner was carried by Lord Grenville, St George's Banner by Lord Howard of Effingham, the grand Royal Banner by Lord Hill, the Banner of Scotland by Lord Clinton, the Banner of Ireland by (we believe) Lord Headfort, and the Banners of Hanover and Brunswick by two noble men whose persons we could not distinguish. As soon as the coffin appeared round the corner of the aisle, the singers of the different choirs, who were followed by the Dean of Windsor, struck up the solemn service of "I know that my Redeemer liveth." This beautiful anthem lasted till the corpse was carried into the chapel and placed on the tressels. Immediately after the coffin followed the Duke of York as chief mourner; his Royal Highness had the appearance of deep and unaffected sorrow. Next him went the Duke of Clarence, the Duke of Sussex, the Duke of Gloucester, and Prince Leopold. The fine manly aspect of the latter, imbued as it is with seriousness and suffering, made a great impression on the spectators. As soon as the procession was completely arranged in the chapel, the Dean of Windsor, assisted on this occasion by the Archbishop of Canterbury, commenced the service. The psalms were then chaunted by the full-est choir we ever heard; it consisted of the principal voices of the Chapel

Royal, of St James and St George's chapel; Mr Knyvett presided at the organ, and displayed at once the profoundest science and the finest taste; nothing could exceed the precision, the delicacy, the majesty of his execution. And he was worthily assisted. Messrs Vaughan, W. Knyvett, J. B. Sale, and Marshall, sang with a solemn sweetness that divested the mind of all sub-lunary thoughts, and filled it with pious musings. After Kent's anthem of "Hear my prayer," the choir performed that sublime piece, "I heard a voice from Heaven." At the conclusion of the service, and previous to the last collect and blessing, the funeral anthem, composed by Handel for Queen Caroline, was sung by the full band. One portion, in which the voices of boys alone were employed, was a masterpiece of delicious enchanting harmony.

When this anthem was finished, the Dean read the prayer which accompanies the lowering of the body into the grave; and it is impossible to describe the thrilling awe of every bosom as the throwing of the dust resounded from the royal coffin. This awe was still further heightened to those in the chapel, from whose eyes the coffin had slowly and gradually disappeared, without hands, and as if it had been mysteriously withdrawn by some supernatural power. Sir Isaac Heard then read the titles of his late Majesty, but in a voice less firm than usual. This tremulousness was, however, the effect of grief rather than of awe. The service being concluded, Mr Knyvett played a solemn voluntary, and the procession returned nearly in the order in which it came.

Thousands were afterwards admitted into the chapel, to see the coffin and its splendid paraphernalia, as it lay in the tomb. Thus ended the most awful and magnificent ceremony which any British subject now living ever witness-

ed in this country; a ceremony, not merely adorned with all those appendages of grandeur which belong as matter of course to all royal funerals, but rendered sublime by the voluntary and heartfelt homage of countless thousands of affectionate subjects, who had thronged to the last obsequies of their King, not from the idle curiosity of seeing a grand exhibition, but to shed a last tear over the grave of a father and friend.

14th.—PARIS.—Twelve o'clock at night (Sunday).—A frightful crime has this night filled the capital with alarm and consternation. His Royal Highness the Duke de Berri had attended the representations of the opera with his august Duchess. At half past eleven o'clock, a few minutes before the conclusion of the ballet, the Prince and Princess left the house, and were preparing to enter their carriage. A man—a monster, watched this moment. He approached the Duke, who gave his arm to the Duchess, and stabbed him in the right side with a pointed instrument, which is commonly called a *caslet* or *tri-pointe*. The blood gushed out instantly, and the unfortunate Princess, whose situation we shall not attempt to describe, was covered with it. The Prince was carried into one of the rooms of the Administration, where some professional gentlemen, who had not yet left the theatre, hastened to his assistance. On seeing the wound, they declared that it was not mortal. A few minutes after, Monsieur, and the Duke and Duchess of Angoulême, arrived. It will easily be conceived, that under the first impression of so terrible an event, it is our duty to confine ourselves to a simple relation of facts; and our profound sorrow will serve as an apology for any disorder which may appear in our statement.

The assassin is a man between thirty-six and forty years of age. He was

secured immediately.—*Journal des Débats.*

Farther Postscript.—The hopes of the physicians have, unhappily, proved fallacious. His Royal Highness expired at six o'clock the next morning.—*Ibid.*

(From the Gazette de France.)

It was half past eleven o'clock, the spectacle was nearly terminated. The Duke de Berri had given his hand to his august spouse to ascend the carriage, when an assassin rushed forward, overthrew M de Beaufremont, aide-de-camp to his Royal Highness, and strongly embracing the Prince with his left arm, he plunged into his right side a double-edged poniard, which penetrated four inches in depth. The Prince uttered an exclamation.

At his cry, the aide-de camp of his Royal Highness surrounded him, but he had fallen, exclaiming, "I am assassinated!" Madame the Duchess de Berri rushed out of the carriage with the Countess de Bethizy, who was in attendance on her. It was this lady who first perceived that the fatal weapon was in the wound, and who drew it out. The blood gushed out in such abundance that she was covered with it, as was also the Princess herself. The Prince was conveyed to the hall of administration of the opera, where skilful surgeons inspected the frightful wound. The Prince was insensible, and fears were entertained, from the change of his features, that the wound was mortal. The unfortunate Princess testified at once the most profound grief and the liveliest energy. She instantly threw off her attire, and devoted herself to the most painful and affecting cares. A stranger to every thing surrounding her, she assisted the professional men, lavished the tenderest attentions upon her august spouse, and her sweet accents were the first that the Prince heard on returning to

his senses, which happened about two o'clock.

The Duchess of Angoulême, Monsieur, and the Duke of Angoulême, the Duke of Bourbon, and the Duke of Orleans, were about him since one o'clock. The unfortunate Prince *was* enabled to speak, and hopes began to be felt. He recognised the persons around him, among whom we distinguished the Duke of Reggio, General Belliard, the Duke of Richelieu, M. de Chateaubriand, and others. His Royal Highness spoke to them with a touching affection on announcing to them his approaching termination. The physician having remarked, that the pulse had recovered some strength, the Prince replied, "So much the worse, I shall have a longer time to suffer." He in effect suffered sharp agony. He soon demanded to see Mademoiselle. She was brought to the bed of sorrow, and embracing her with tenderness, he said, "Dear infant, mayest thou be happier than thy father." He conversed in a very low tone with his august brother. About five o'clock the King arrived; the first words which the Prince addressed to him were, "Sire, grant that the last favour that I ask of you, be the pardon of my assassin."

The King shed tears. "This is not the time," said his Majesty, "to talk of this. let us think only of yourself."

The Prince replied, "I do not deceive myself with respect to my situation," and he requested that M. Latel, Monsieur's first almoner, might be introduced. He received the last sacraments, and never ceased to give the most striking proofs of piety and resignation. About half past five o'clock the assistance of art became useless, the blood overflowed his chest with rapidity—death was imminent. Under pretence of leaving to the Prince a moment of tranquillity, they succeeded in inducing the Duchess de

Berri, Madame and Monsieur, to pass into a neighbouring chamber; but notwithstanding the reiterated instances of the professional gentlemen, his Majesty would not quit the bed of his adopted son.

The august victim preserved an heroic tranquillity. History will collect his last words. The worthy son of Henry IV. was recognised in the Prince, on exclaiming—"Ah! why have I not found my death in battle?" and, he added, in a sorrowful tone, "It is cruel to me that I should die by the hand of a Frenchman."

It was in pressing the hand of the Monarch that the Prince expired—"I have a last duty to perform to my son," said his Majesty. That duty was to close his eyes.

A few minutes before death, the Prince, turning his eyes towards Heaven, exclaimed, "Oh my country! Unhappy France!" Such were his last words. After having expressed all the noblest sentiments of nature, friendship, and religion, the last sigh of the French Prince was for his country.

Madame the Duchess de Berri is in a state which we shall not attempt to describe. We are assured that her Royal Highness has herself cut off her beautiful hair as the first sign of the profound grief which surrounds her.

During this scene of horror the assassin was interrogated. The wretch had at first taken to flight. At the cries of some persons present, an individual would have seized him; they struggled for an instant, and the murderer succeeded in escaping; but a waiter of a coffee-house seized him again near the arcade; the guards who pursued him arrived, and conveyed him to the guard-room at the opera.

The name of the assassin is Louvel, a name already celebrated in the annals of regicide. His manner is tranquil. The physicians have not perceived any alteration in his pulse. He

is about forty, dark, bald, and his countenance has the expression of an hyena. He was a working saddler in the train of artillery of the Old Guard; he never carried arms even as a soldier. He went in 1815 to the Isle of Elba, and was afterwards at the battle of Waterloo. When asked if he were a Frenchman, he replied, "Do you not see by my face that I am a good Frenchman?" Interrogated respecting the motive of his crime, he said, "I do not love the Bourbons."

He was asked, "Who inspired you with this wicked intention?" He replied, "Don't call it wicked."

The assassin has been examined before the Ministers; when his replies were as follows:—

Q. What induced you to commit this crime?—A. My opinions—my sentiments.

Q. What are they?—A. I think the Bourbons are tyrants, and the most cruel enemies of France.

Q. In that supposition why did you attack the Duke de Berri in preference to the rest?—A. Because he is the youngest Prince of the Royal Family, and seemed to be destined to perpetuate that race hostile to France.

Q. Do you repent your act?—A. No.

Q. Had you any instigator—any accomplice?—A. None.

Q. If the justice of man cannot induce you to tell the truth, reflect on the justice of God.—A. God is merely a word; he never came upon the earth.

Q. What could induce you to commit an action so guilty?—A. I wished to have refrained from it, but it was beyond my power to do so.

Q. What was your motive?—A. It will serve as a lesson to the great men of my country.

Q. Do you persist in saying that no person inspired you with the idea of this crime?—A. Yes. Moreover,

it is in the hands of Justice; let her, therefore, do her duty, and let her discover those who it is presumed are my accomplices.

These are the only answers that could be obtained from this wretch; he signed them, and was escorted back to the Conciergerie. It is impossible to convey an idea of his matchless sang froid. Neither the aspect of the unfortunate victim, nor the presence of the Magistrates, caused in him the least emotion, even for an instant. As soon as the interrogation was concluded, they proceeded to open the body; four of the late Prince's valets-de-chambre bore him from the state couch into an adjoining apartment, where were assembled the Doctors Portal, Dupuytren, and several others. From their observations, it appeared that the murderous weapon had penetrated six inches between the 5th and 6th ribs, and had pierced the membranaceous muscles of the heart. The physicians drew up and signed a very detailed attestation.

When the late Duke de Berri was near expiring, he mentioned to his wife that he had two children born in England and one in France, whom he wished her to take care of.—The moment she was removed from the body, she desired to see the children; and on their being brought to her, she cut off some of her hair, and giving a lock to each of them, and also one to her own little daughter, she said they were sisters and brothers, and that she would be their mother. The Princess then went to St Cloud, and took the children with her.

*London Gazette Extraordinary,*

*Thursday, Feb. 24.*

Whereas Arthur Thistlewood stands charged with high treason, and also with the wilful murder of Richard Smithers, a reward of One Thousand Pounds is hereby offered to any person or persons who shall discover and

apprehend, or cause to be discovered or apprehended the said Arthur Thistlewood, to be paid by the Lords Commissioners of his Majesty's Treasury, upon his being apprehended and lodged in any of his Majesty's Gaols. And all persons are hereby cautioned upon their allegiance not to receive or harbour the said Arthur Thistlewood, as any person offending therein will be thereby guilty of High Treason.

SIDMOUTH.

The above-named Arthur Thistlewood is about 48 years of age, five feet ten inches high, has a sallow complexion, long visage, dark hair, (a little grey) dark hazle eyes and arched eye-brows, a wide mouth, and a good set of teeth, has a scar under his right jaw, is slender made, and has the appearance of a military man, was born in Lincolnshire, and apprenticed to an apothecary at Newark, usually wears a blue long coat and blue pantaloons, and has been a lieutenant in the militia.

(The details of this atrocious attempt will be found given fully under the head of Trials for High Treason, p. 105.)

#### DISTURBANCES IN THE NORTH.

*“Heckmondwike, Feb. 22.*

“Yesterday morning, (Monday,) a scene of the most daring and barbarous outrage presented itself that can possibly be described or conceived. A number of the members of a society called the Clothiers' Union assembled at Batley, from Hanging and Earl's Heaton, Dawgreen, and the neighbourhood of Heckmondwike. During the whole of Sunday night, numbers were heard talking and walking backward and forward; but about four o'clock on Monday morning some of them knocked at the door of a poor woman, and inquired if William Goodall lived there. Being answered in the negative, they proceeded on until they

came to the poor man's door; and then, with the utmost violence, burst it open; at the same time calling out to the poor fellow, who was in bed, ‘Come out, thou black devil, or else we will draw thee!’ His wife got up and looked out of doors, when she beheld a vast host of men, armed with large cudgels and other weapons, waiting the arrival of her husband. Terrified at the sight, she hastily shut the door, and fastened it as securely as she could. Just at this time their cruelty was exerting all its efforts on a man called Milton, whom they kicked and beat in a manner too shocking to be related. Alarmed at this confusion, one of the mill-owners sent the above William Goodall for the assistance of some peace-officers and others, but, before he had gone far, he found himself pursued and surrounded on all sides. They knocked him down, then kicked and beat him with their clubs in all parts of his body, so that he is now confined to his bed. At this crisis the constables arrived, but found it impossible to enforce the powers of their office, beset, as they were, on all sides, by these desperate and inhuman wretches, who were vowing with all their vengeance, that, whatever might be the consequence, they would kill every man that opposed them. Would to heaven I could stop here! But it was now time for the Black Men, as they called them, to come to their work; and, alas! as soon as those from the neighbourhood of Morley appeared, they were seized; they were hewn and beaten to a degree the most barbarous and cruel. While these unfortunate men were suffering the cruelty of their unexpected foes, lamentable to tell, another poor, quiet, and inoffensive man, who was coming from Howden Clough, to work at the mill, was met by another company of these furious wretches, who beat him in so unmer-



ciful a manner, that the poor sufferer's eyes were nearly lacerated from their sockets, his legs and arms broken, and most of his ribs fractured. Their barbarous career did not stop here. A poor old man, who was returning from Mr Spedding's, where he had been to seek for employ, was identified as a Black Man, and immediately knocked down, nearly strangled, beaten, and kicked in a most unmerciful manner. Having, as they thought, deprived him of life, they threw him over an adjoining wall into a ditch.

"But perhaps you will now ask, was there no one to help? To which I answer, that so far were these murderous wretches from receiving their just deserts, that they were strenuously encouraged by others as bad as themselves. The number of these depredators was at least three hundred. I am informed that their plan of operations was settled at a meeting of their leaders, held in the vicinity of Dewsbury, at five o'clock on Sunday morning last!"

"*Leeds, Feb. 24.*

"The most alarming reports were yesterday in circulation, but I could not trace them to any authentic source. One report was, that several thousands of the 'Union Men,' who were standing out for an advance of wages, had set fire to two large cloth-mills at Dewsbury, and that they had killed several of the *Black Men*, as they term those who work at the existing prices. These rumours, though not true to the extent stated, are not without some foundation. There was a very violent riot and disturbance at Dewsbury and in the neighbourhood at a late hour last night, and the 'Union Men' evinced every disposition to proceed to the lengths I have stated. Their conduct was most violent and outrageous—so much so, that an express arrived here, at an early hour this morning, for a military

force; and so urgent was the request, that a troop of the 4th Dragoon Guards set off immediately in their stable-dresses, but before their arrival at Dewsbury the mob had nearly dispersed. With the aid of the peace-officers, they succeeded in apprehending ten of the ringleaders, and brought them to this town, where they underwent an examination, and were this afternoon sent off to York Castle, to take their trial on a capital charge."

"*Glasgow, Feb. 23.*

"Last night a large party of the Radical Reformers, who met in a tavern in the Gallowgate, were apprehended by a warrant of the Sheriff of the county, and committed to the gaol of this city; twenty-six, in all, were seized, consisting of delegates from different towns and villages in the neighbouring counties. Their examinations are now going on at the court-room, before the Sheriff. The appearance of the military, and the seizure of such a number of individuals, collected a considerable crowd. The shopkeepers closed their shops, and for about an hour there was much bustle and confusion in the street. The military guard, in returning to the barracks, were followed by a crowd of disorderly persons, and assailed with stones. We are glad to understand, however, that four of the most active in the mob were laid hold of, and are at present in custody; and that a precognition is going on, with a view to their trial for this daring offence. The sentinels at the gaol were doubled, and in a short time the town attained its usual tranquillity."

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## MARCH.

"*Ross-shire, March 2.*

"We have all been agitated by a most unpleasant business, which oc-

curred yesterday. The scene took place on a part of Mr Monro's (of Novar) property, called Culrain, near Gladfield. Mr Monro, wishing to remove the numerous tenantry on his estate of Culrain, caused his law-agent to serve summonses of removing upon them. The officers sent to execute this piece of duty were maltreated by the people, and obliged to return without effecting their purpose.

The following are the particulars. In order to enforce the due execution of the writs of removing, the Sheriff of the county, accompanied by one of his substitutes, proceeded to Culrain. As some opposition was expected, these gentlemen were accompanied by about 25 soldiers of the Ross-shire militia, nearly forty constables, and a very numerous body of gentlemen from the lower parts of the county. On approaching Culrain, the progress of the party was interrupted by the appearance of a body of three or four hundred people, chiefly women, posted behind a stone dike, who rushing out upon the soldiers with a hideous yell, attacked them with sticks, stones, and other missiles;—a scene truly horrible, in which 13 of the Sheriff's party were wounded, and of these one had his skull fractured by a stone, which hit him in the forehead. The Sheriff was in imminent danger; he was hit by three stones, one of which cut his hat. He went amongst the people, thinking to soften them by reasoning, but it was all in vain. They called out to him that he used to be on the side of mercy; that they thought he would protect them; but that he now came to oppress them like the rest. The mob appeared as if raving mad; and those who first attacked seemed furious, and were chiefly women. The men were drawn up on a height, and had taken quite a military position behind a wall, with their fire-arms in readiness. There

were about 200 armed. The force with the Sheriff could not attempt much; but the militia-men were ordered (in hopes of frightening them) to charge with bayonets, when the women, instead of running away, as expected, literally rushed among the bayonets, crying out, 'We must die any way! better to die here than in America, or at the Cape of Good Hope; we don't care for our lives.'

"In this tumult some of the soldiers were compelled, in self-defence, to fire a few shots, by which we are sorry to learn that two or three of the women were severely wounded. No authority was given by the civil power for the firing.

"The venerable Sheriff-Depute used his utmost efforts to restore order; and endeavoured to expostulate with the enraged people on the impropriety of their conduct, totally regardless of the showers of stones with which he was assailed. Finding, however, all his efforts fruitless, and his force insufficient to enforce order, the whole party at length retreated. The worthy Sheriff has sustained some bodily hurt, and had the pannels of his carriage broken. Two other carriages suffered in the same way. Some of the soldiers were very severely wounded, and many of the gentlemen received severe hurts and contusions in rescuing the Sheriff from the fury of the mob.

"The clergyman of the parish has, by his influence alone, accomplished what the authorities were unable to effect. The reverend gentleman convened all the tenants at Culrain, on the 8th current, and, after pointing out the madness and inutility of such violence, and the destructive consequences that must inevitably ensue, he prevailed upon every man of them to go down to Ardgay Inn, to receive their summonses for removing, which they did on the 14th, when

the Sheriff's officer met them from Train. Many were prevented by sickness from coming. The Sheriff's officer went to their houses and executed their summonses, and returned at night to Ardgay, after experiencing the greatest hospitality. The reverend gentleman says he shall go bound for the peace of the parish, and that no obstruction shall be given to the execution of the laws; at the same time he makes the following feeling appeal on behalf of his parishioners:—

“Of all the human race,” he says, “there is not a more grateful or affectionate being than the Highlander, to the man who feels for his case and sympathizes with him; but, alas! few of the present day know his value; if they did, the system of extermination would not continue. I trust Mr Monro will still avert, from the first days of his possession of the estate, so dreadful a judgment as the expulsion of nearly 600 persons, able and willing to pay their rents, who are not one penny in arrears, and who have hitherto paid a higher rent than the tacksman who is to succeed them.” Of these six hundred souls there are more than 100 bed-ridden and aged persons, whose locks have grown hoary on the soil, under the fostering kindness of their late excellent landlord, Sir Hector Monro, and whom no earthly power can remove till death come to their relief.”

3. At half past two this morning, a dreadful fire broke out in the town of Chatham. It commenced at the house of Mr Hill, a baker, residing at 69, High-street. Before any assistance could be afforded, it had gained such strength as to put an end to all hopes of saving Mr Hill's house, or that next to it, with which the flames had almost immediately communicated. The attention of those who first came to the spot was then directed to the adjoining houses, and to those opposite, towards which the

flames were driven by a violent north-westerly wind, which continued to blow strongly until a late hour in the morning. From Hill's house, and from those of Mr Watson a linen-draper, of Mr Cohen a pawnbroker, and two or three others which intervened; the devouring element reached the Sun-tavern, a very extensive pile of building, and the principal inn of Chatham. When this house caught fire the scene was most awful, for the flames had now been driven by the violence of the wind to the opposite side of the street, which then presented to the eye a pile of burning buildings, between which, from the narrowness of the place, the passage was in some places impossible, and in all extremely dangerous. About half past four or five, the roof of the Sun-tavern fell in with a tremendous crash, and shortly after only a very small part of the walls were seen standing. At one time the brewery of Mr Best was thought to be in such danger that its utter ruin was looked upon as inevitable; providentially, however, by the prompt assistance of great numbers of the town's-people, aided by the active exertions of the military, it escaped with comparatively trifling damage. Mr Best was not so fortunate with respect to his dwelling-house, which, with several adjoining houses, also his property, were entirely consumed. The walls of Mr Best's house were, from their great solidity, the only parts which were not levelled with the earth. At four, and between that and six o'clock, the confusion which reigned in the town was beyond description. From the appearance of the flames at the latter hour, it was thought that all the houses south-east of that where the fire began would fall a sacrifice to its rage. So strong was this impression, that many families, considerably removed from the immediate scene of danger, had taken down their beds and other

articles of furniture, and had removed a large part of them to a still greater distance.

About 11 o'clock the fury of the flames was checked by the partial destruction of some houses on the same side of the street where it began, and by the total demolition of one or two on the opposite side, which the flames had not then reached, but which it was judged proper to take down, to prevent a further spread of the conflagration. The whole number of houses destroyed in High-street is 38; but there were several small buildings destroyed in the rear of each. The violence of the wind was such, that large flakes of burning matter were conveyed to some hundred yards' distance. One of those flakes fell upon a large stack of hay, about 150 yards from High-street, which consumed that, and two others which were close by. There was a considerable quantity of hay between these stacks, which fortunately escaped. From the extraordinary rapidity with which the flames spread, and the danger which threatened in a narrow street, both sides of which for a great part on fire, an immensity of property was destroyed, which, had the weather been more mild, might have been saved. Several houses, and those, we understand, principally belonging to persons whose ruin must be the consequence, were wholly uninsured. It is, however, a satisfaction, in relating this melancholy accident, to be able to state that no life was lost on the occasion. One or two persons were, we understand, hurt by the falling of a wall, but not dangerously. At an early hour of the day the news of the fire reached London, from which some engines were dispatched, but before their arrival the flames had been nearly subdued. The engines from Rochester and Maidstone were on the spot as soon as possible after the account had reached those

places. The Sun fire-engine, drawn by 6 horses, reached Chatham at 6 in the afternoon. Great inconvenience was experienced from the want of a plentiful supply of water. In some places it was conveyed in casks to the spot where the engines were at work, and there emptied into the streets.

This is, we understand, the third severe visitation by fire which Chatham has experienced within the last half-century. About 20 years ago, a fire broke out nearly in the same place as the present one, which consumed nearly 70 houses; and about 21 or 22 years before that period, a fire happened in the same street, by which 80 or 90 houses fell a prey.

4. A murder has been committed in the town of Woolwich, Kent, not exceeded in point of atrocity by any which stain the calendar of crimes in this country. The persons murdered were Mr Thomas Parker, a venerable old gentleman, upwards of 70 years of age, and Sarah Brown, his house-keeper.

He was an inoffensive gentlemanly man, very much respected by the whole neighbourhood. His only servant was Sarah Brown, a steady woman of about 40 years of age, who had lived with him three years. She too was well known by the neighbours, and was generally respected. On Friday evening nothing particular was observed about the premises. Mr Parker was occasionally seen at the bow window of the parlour in which he usually sat, and his servant was seen engaged in her ordinary avocations. We should here state, that while the front of the house looks into Red Lion-street, at the back there is a small garden, terminated by a high paling, which divides it from a narrow lane, which is a common thoroughfare. The day closed without any suspicion being excited; but at one in the morning, the sentinel on duty

at the north arch of the artillery barracks observed a dense smoke rising from Mr Parker's house. He instantly gave an alarm, and several of the artillerymen rushed forth to give assistance. They soon reached the spot which had attracted notice, and there found the flames bursting from the parlour window. The men rapped at the door with great violence to awaker the inmates, who, it was supposed, were asleep, and insensible of their danger. To their humane efforts no answer was returned; a death-like silence prevailed within. The cry of "fire," soon spread, and two engines arrived on the spot, and commenced playing into the window. Corporal Anderson and Corporal Poutis, who were present with their men, now resolved to force the street door, and, if possible, to rescue Mr Parker and his servant from their impending fate. The resolution was no sooner formed than carried into effect, and these brave men, followed by others, rushed into the passage. From thence they went up stairs into the front room on the first floor; here the ravages of the fire were perceptible; the furniture of a bed, which was of mairon (a woollen manufacture), had been partly consumed, and the embers still smoked. In the bed itself there was no vestige of a human being. The men then ran into the bed-room on the second floor, which was found in flames; but the devouring element was soon extinguished. The search which was made for Mr Parker here was also fruitless, as it was also in a back room in the first floor; neither he nor his servant could be found. Every exertion was now turned toward suppressing the flames in the parlour, which were gradually extending, by means of the window-frame, to the room above. A hole was cut in the floor of the bed chamber, through which water was poured; and by this

means, added to the incessant playing of the engines without, the danger was subdued. In a short time the parlour door was thrown open, and Lyons, a man belonging to the artillery band, entered. He looked eagerly round in search of the hapless tenants; he perceived a heap of something lying behind the door, and approached and attempted to lift it up, when he found it to be part of a human body. The man called to his companions, who now joined him, and a second body, which proved to be that of a female, was found stretched in the same place, although not so much burnt. All hope of restoring life had fled, and the bodies were left in this situation for some time, no doubt being entertained that they were those of the unfortunate Mr Parker and his servant. A further investigation of the premises now took place, when it was perceived that blankets had been nailed up against every window, as if to conceal from those without the appearance of the flames within. Thus led to a more minute examination, and it was ascertained that fire had been communicated in three different and distinct places, no one place having the slightest connexion with the other; that is to say, in the parlour on the ground floor, in the bed-chamber on the first floor, and in the bed-chamber on the second floor. From this it was concluded that there had been some foul play, but by whom yet remained a mystery. Sentinels were placed round the house, and at break of day the investigation was renewed. The dreadful truth then burst upon the horror-struck spectators. The bodies of Mr Parker and his servant were examined. The former was burnt nearly to a cinder; the left leg and foot, on which there was a black silk stocking and a shoe, only remained entire. The skull, however, although the flesh was burnt off, remained whole, and afforded convin-

cing testimony of the commission of a most foul and detestable murder: on the left side, towards the back, there was a terrific fracture.

The body of the woman was next examined, and here, if doubt existed before, it was completely removed. The unfortunate creature lay stretched upon her face; her apparel was partly consumed, and her hair, which was long, was spread in dishevelled locks about her. She was lifted up on a table, and the cause of her death became at once perceptible. A horrible wound, inflicted apparently with a blunt instrument, appeared over her eye, and at the back of her head were three deep fractures, which some imagined might have been produced by a bayonet, or some such weapon.

#### LECTIONS.

At no former election for the City of London were there greater exertions made, nor was party spirit more warmly manifested; though public feeling was indifferent, and the poll slow for several days.

The following is the state of each day's poll, during this severe contest.

	Wed.	Th.	Frid.	Sat.	Mon.	Tues.
Wood.....	5541	1260	2062	2690	4462	5370
Wilson.....	666	1397	2207	3206	4656	5358
Curtis.....	617	1295	2062	2961	4330	4908
Lord Mayor.	521	1146	1803	2596	3769	4259
Wardman.....	123	918	1556	2201	3321	4119
Thorpe.....	463	1019	1584	2215	3273	3921

Westminster was contested warmly, though not with the same fury and violence, as on the last occasion. Sir Francis Burdett and Mr Hobhouse, the popular candidates, were opposed by Mr Lamb, who, though a moderate whig, was on this occasion supported by ministry. At the close of the poll, the numbers were,

Sir Francis Burdett . . .	5327
Mr Hobhouse . . .	4852
Mr Lamb . . .	4438

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The two first were then declared duly elected.

A warm contest for the representation of the county of Durham, between Mr Lambton and Mr Whar-ton, of the treasury, supported by the late Vane, now Stewart, took place. Mr Powlett was unopposed. The numbers at the close of the poll stood as follow:—

Lambton . . .	1731
Powlett . . .	1139
Whar-ton . . .	874

At Carlisle, Mr Curwen, Sir James Graham, and a Mr James, on independent principles, started for the representation of the city. Mr Curwen avowed the same manly, undisguised principles, and his speeches were warmly received. Mr James promised patriotic efforts. At the final close of the poll, the numbers stood:

Sir James Graham . . .	244
C. Curwen, Esq. . .	239
W. James, Esq. . .	140

At the election for the Borough there was the same energy, and the same exertions, the same opposition spirit, exhibited. The former members and Sir Thomas Turtton were candidates. At the close of the poll the numbers stood:—

Mr Calvert . . .	1264
Sir R Wilson . . .	1155
Sir Thomas Turtton . . .	458

It was expected that there would have been no opposition for the representation of York in Parliament, against Mr Dundas and Mr Wyvill, son of the veteran patriot; but Lord Howden suddenly presented himself, and the usual exertions commenced. The following is the state at the close of the poll:—

Dundas . . .	1617
Wyvill . . .	1527
Howden . . .	1201

There was a severe struggle for the

representation of Baverley, between Mr Wharton, the old member, Mr Fox, of Bramham Park, and General Burton. The numbers were, at the conclusion—

Mr Fox . . .	1037
Mr Wharton . .	638
Mr Burton . . .	71

After the greatest exertions by the partisans of all the candidates for the representation of Liverpool, the close of the poll exhibited the following numbers :—

	Wed	Sat	Last Day
Canning	161	767	1635
Gascoyne	149	708	1532
Crompton	54	296	345
Leyland	27	99	124

At Preston, where a struggle was almost unknown, a considerable number of the electors invited Mr Williams, and Mr H. Hunt offered himself. A contest ensued almost unparalleled in electioneering annals; at the close of each day there was little numerical difference in the state of the poll. But at the final close the numbers were as under—

Horrocks . . .	1902
Hornby . . .	1649
Williams . . .	1525
Hunt . . .	1127

At Chester election four candidates offered themselves, Lord Belgrave and General Grosvenor, the late members, Sir John Gray Egerton, and Mr Townshend. For some elections this city has been noted for the severe struggles of the popular party to obtain the ascendancy, the Grosvenor interest, notwithstanding the patriotism of the head, the Earl Grosvenor, lost considerably in the public opinion in the late election. The General was in imminent personal danger; his carriage was thrown over the Dee bridge, and himself escaped with difficulty, covered with wounds and bruises.

The severest contest ever remem-

bered, took place in this city. At the close of the poll the numbers were—

Belgrave . . .	773
Grosvenor . . .	698
Egerton . . .	680
Townshend . . .	604

Lord Raneliffe having resigned, the representation of Nottingham was warmly contested by Mr Birch, Mr Denman, Mr Smith, and Mr Rolleston. At the close of a most vigorous pole the numbers stood—

	First	Second	Last
Birch	61	837	1891
Denman	68	833	1891
Smith	95	849	1858
Rolleston	95	845	1858

This poll proves the firmness and consistency of the voters. There was no splitting of votes, and no compromising.

The election for Coventry was a severe struggle between the partizans of the contending candidates; considerable ebullition of anger took place, and the city was several times thrown into confusion; none of the candidates lent their assistance to promote it. Mr Cobbett's high expectations, which he had been led into, were not realized, though he had the majority of the popular feeling.

The following is the state of the poll at the close :—

Ellice . . .	1525
Moore . . .	1467
Cobbett . . .	518

Three candidates started for the county of Berks, Mr Dundas and Mr Neville, the old members, and Mr Hallett, a popular candidate. The returns were—

Dundas . . .	1035
Neville . . .	1009
Hallett . . .	124

The election for Reading was the longest on record; every exertion was used by the partizans of each candi-

date to advance the poll. At the conclusion the numbers stood—

Monck	418
Palmer	399
Wayland	384

when the two popular candidates were returned.

Bedfordshire rejected a Lord of the Admiralty; the members had a severe struggle, being as under—

Tavistock	1459
Pym	1311
Osborne	1215

For the representation of Cambridge, there were four candidates — The numbers were as follows :—

Trench	38
Cheere	38
Adams	18
Prynn	16

Mr Foote, of Charlton-place, presented himself, to oppose the late members for Canterbury, Lord Clifton and Mr Lushington, but perceiving the poll hopeless, he resigned. The following is the state of it :—

Lushington	601
Clifton	566
Foote	86

The election for Sussex was severely contested to the conclusion; on the ninth day, Mr Cavendish resigned. The following is the state of the poll on the following days.—

	First.	Fourth.	Last.
Burrell	243	1300	2420
Curtis	343	1229	2258
Cavendish	173	1009	1857

The election for Arundel closed after a contest of three days; the numbers were as follow.—

	First.	S. ond.	Third.
R. Blake	62	126	185
— Bury	62	126	174
— Atherley	60	127	157
J. Blake	60	123	157

After a severe contest of seven days, the late members, Sir W. De Crespigny, and Mr Chamberlayne, were returned to Parliament for Southamp-

ton. The following is a state of the poll for the first, fourth, and last days :—

	First.	Fourth.	Last.
De Crespigny	54	503	559
Chamberlayne	54	412	473
Dottin	54	413	472

The election for Portsmouth was carried on with great acrimony on the part of the supporters of the government candidate; every engine was set to work. "It was," says a late Hampshire Telegraph, "then a great struggle between independence and corruption," in the cause of Admiral Markham. The following were the numbers at the close of the poll :—

Carter	53
Markham	37
Cockburn	22

There was a severe contest at Taunton, and at the close the numbers were :—

Baring	344
Warre	277
Seymour	224

Three candidates started for election at Bristol, Mr Wright, on the popular interest, Mr Hart Davis, and Mr Baillie. The following is the state of each day's poll —

Wright	809	846	58
Davis	1418	1337	32
Baillie	720	628	5

## APRIL.

### "PROCLAMATION,

"By the Lord-Provost and Magistrates of the City of Glasgow, the Sheriff of Lanarkshire, and the Justices of the Peace for the Lower Ward of the said County.

"In consequence of the present threatening appearances, the Lord-Provost, Magistrates, Sheriff, and Justices, hereby order all shops to be shut, this



nd every following night, until tranquillity is restored, at the hour of six ; and they hereby enjoin all the inhabitants of the city to retire to their houses as soon as possible thereafter, and not later than seven o'clock.

"All strangers are hereby enjoined to withdraw from the city before seven o'clock at night Parties or groups of people standing together, or walking the streets after the hour of seven, will be deemed disturbers of the peace, and will be dealt with accordingly.

"If the lamps are put out, the inhabitants are desired immediately to illuminate their windows with as much light as they can conveniently command—**GOD SAVE THE KING.**

"*Glasgow, April 3, 1820.*"

THREE HUNDRED POUNDS REWARD

"Whereas certain wicked, evil-disposed, and traitorous persons, during the night of the 1st, or on the morning of the 2d of April instant, did feloniously, traitorously, and daringly, in furtherance of a conspiracy to compass or imagine the death of our Lord the King, or to levy war against our Lord the King, within his realm, or to commit other treasons, publish and affix on the walls and public places in many parts of the city and suburbs of Glasgow, and other parts of the county of Lanark, a most wicked, revolutionary, and treasonable address to the inhabitants of Great Britain and Ireland, dated at Glasgow April 1, 1820, and bearing to be issued "by order of the Committee of Organization for forming a Provisional Government," directly and openly proclaiming rebellion against our Lord the King, and the laws and constitution of this realm, inciting and stimulating the subjects of our Lord the King to take up arms for the overthrow of the government and constitution as by law established, and to levy war against our Lord the King ; and further, endeavouring to

seduce the soldiers of our Lord the King to desert their duty, and to join in a threatened insurrection, and to intimidate and overawe all loyal and peaceable subjects by threats of violence and devastation : The Lord Provost and Magistrates of the city of Glasgow, Sheriff of the county of Lanark, and Justices of the Peace for the Lower Ward of Lanarkshire, hereby offer a reward of 300*l.* to any person or persons who shall, within fourteen days from this date, discover and apprehend, or cause to be discovered and apprehended, those guilty of this overt act of high-treason, by printing, publishing, and issuing the said revolutionary and treasonable address, under the said treasonable designation of the Committee of Organization for forming a Provisional Government.

"*Glasgow, April 4, 1820*"

The following is a copy of the Address referred to above :—

"*Address to the Inhabitants of Great Britain and Ireland.*

"Friends and Countrymen,—Roused from that torpid state in which we have been sunk for so many years, we are at length compelled, from the extremity of our sufferings, and the contempt heaped upon our petitions for redress, to assert our rights, at the hazard of our lives ; and proclaim to the world the real motives, which, if not misrepresented by designing men, would have united all ranks—have reduced us to take up arms for the redress of our common grievances.

"The numerous public meetings held throughout the country has demonstrated to you, that the interests of all classes are the same ; that the protection of the life and property of the rich man is the interest of the poor man, and, in return, it is the interest of the rich to protect the poor from the iron grasp of despotism ; for, when

its victims are exhausted in the lower circles, there is no assurance but that its ravages will be continued in the upper; for, once set in motion, it will continue to move till a succession of victims fall.

"Our principles are few, and founded on the basis of our constitution, which were purchased with the dearest blood of our ancestors, and which we swear to transmit to posterity unscathed, or perish in the attempt. Equality of rights (not of property) is the object for which we contend, and which we consider as the only security for our liberties and lives.

"Let us shew to the world that we are not that lawless, sanguinary rabble, which our oppressors would persuade the higher circles we are—but a brave and generous people, determined to be free. Liberty or death is our motto, and we have sworn to return home in triumph—or return no more!"

"Soldiers,—Shall you, countrymen, bound, by the sacred obligation of an oath, to defend your country and your King from enemies, whether foreign or domestic, plunge your bayonets into the bosoms of fathers and brothers, and at once sacrifice at the shrine of military despotism, to the unrelenting orders of a cruel faction, those feelings which you hold in common with the rest of mankind?—Soldiers! turn your eyes towards Spain, and there behold the happy effects resulting from the union of soldiers and citizens. Look to that quarter, and there behold the yoke of hated despotism, broke by the unanimous wish of the people and the soldiery, happily accomplished without bloodshed. And shall you, who taught those soldiers to fight those of your own country? Forbid it, Heaven! Come forward then at once, and free your country and your King from the power of those that have held them too long in thralldom.

"Friends and countrymen,—The eventful period has now arrived when the services of all will be required for the forwarding of an object so universally wished, and so absolutely necessary. Come forward, then, and assist those who have begun in the completion of so arduous a task, and support the laudable efforts which we are about to make to replace to Britons those rights consecrated to them by Magna Charta and the Bill of Rights, and sweep from our shores that corruption which has degraded us below the dignity of man.

"Owing to the misrepresentations which have gone abroad with regard to our intentions, we think it indispensably necessary to declare inviolable all public and private property. And we hereby call upon all Justices of the Peace, and all others, to suppress pillage and plunder of every description; and to endeavour to secure those guilty of such offences, that they may receive that punishment which such violations of justice demand.

"In the present state of affairs, and during the continuation of so momentous a struggle, we earnestly request of all to desist from their labour, from and after this day, the 1st of April; and attend wholly to the recovery of their rights, and consider it as the duty of every man not to recommence until he is in possession of those rights which distinguish the freeman from the slave, viz. that of giving consent to the laws by which he is to be governed. We, therefore, recommend to the proprietors of public works, and all others, to stop the one, and shut up the other, until order is restored, as we will be accountable for no damages which may be sustained, and which, after this public intimation, they can have no claim to.

"And we hereby give notice to all those who shall be found carrying arms against those who intend to re-

generate their country, and restore its inhabitants to their native dignity, we shall consider them as traitors to their country, and enemies to their King, and treat them as such.

"By order of the Committee of Organization, for forming a Provisional Government.

"*Glasgow, April 1, 1821.*

"Britons, — God — Justice — the wishes of all good men, are with us. Join together and make it one cause, and the nations of the earth shall hail the day when the standard of liberty shall be raised on its native soil "

PAISLEY, *April 3* — The radicals have at last shown themselves in their true colours. An address to the inhabitants of Great Britain and Ireland was most industriously circulated through the town on Saturday evening, dated at Glasgow, the 1st April, and during the night many of them were posted on the walls. This address, which may be considered as the manifesto of the radicals, is fraught with the most open and barefaced rebellion. At first those who, lukewarm in the cause of government, and who are ever ready to make apologies for the proceedings of the disaffected, pretended it was a government trick, and quite unauthorized by the radicals. The radicals have, however, given their friends on this occasion the lie; for, in obedience to the request of this "Committee of Organization for forming a Provisional Government," by whom this address bears to be issued, the greater part of the working classes in this town voluntarily gave up work, and by actual violence to the persons and property, or threats, have prevented the few who were willing to work from doing so. Our working population are, therefore, this day quite idle, many of them sauntering through the streets as, on the holyday of the 13th December last; others are gone to the country, hold-

ing meetings in the fields; and a good many are at Johnstone, where, with the aid of vast numbers from the surrounding villages, they are endeavouring to intimidate the workers at the different cotton-mills, so as they may also give up work. Most of the public works in the immediate vicinity, through intimidation, gave up work at nine o'clock this morning. A large party of men and boys assembled this forenoon on the Sacel-hill with two flags, and for several hours practised military manœuvres, by marching and forming into close column.

Since writing the above we learn the menaces of the mob succeeded in causing all the cotton-mills at Johnstone to be shut up.

Two men are lodged in the police-office for sticking up the radical address on Sunday morning, and two others are also confined here for tearing down the proclamation of the Magistrates on Sunday evening.

Last night, about twelve o'clock, nearly thirty radicals went out from Paisley to Lounsedale, a mile southwest from the town, and demanded whatever fire-arms might be in the house. On being told there were no arms in it, they said they would go next to Foxbar, a little to the westward. The proprietor of Lounsedale told them, if they did, they would meet with a determined resistance, which they found to be the case, as the proprietor, after vainly giving them warning to retire, fired upon them, by which a young man of the name of Cochrane was killed, and it is supposed several others were wounded, as blood was traced to some distance from the house. The body was lying at Foxbar this morning, the party having retired after the first fire, without carrying off the body. Cochrane was only liberated from prison a few days ago for insulting the military

GLASGOW, *April 4.*—About mid-day the Dumbartonshire yeomanry cavalry arrived in town, and in the afternoon the Ayrshire yeomanry cavalry. Another troop of Ayrshire yeomanry cavalry arrived this morning. More troops are expected in the course of the day. Several troops of the 10th hussars, and the 80th regiment of foot, marched from Edinburgh yesterday morning for this district.

From the threatening appearances on the streets during yesterday, a proclamation was issued by the Lord Provost and Magistrates, the Sheriff of the county, and Justices of Peace, ordering all shops to be shut at six, and enjoining the inhabitants to retire to their houses not later than seven o'clock. These orders were strictly observed by the great body of the people. All our garrison, together with the numerous volunteer corps, were on duty for a great part of the night; they mustered again early this morning, and are all under orders to be ready at a moment's warning. Little more was done than hooting and howling by the mob, on the streets, as small detachments of the military were passing.

Many corps have been observed drilling in this neighbourhood for several nights past, and some of them even during the day. In some places strangers have taken possession of smiths' shops, who instantly fell to work in manufacturing pikes, &c.

The times are perilous in the extreme. We do not exaggerate when we say that there are at this moment 60,000 persons in this city, and the surrounding towns and villages, who have struck work; many of these, not a doubt remains, have been compelled to join this highly illegal combination by threats, such an immense body, however, cannot long remain inactive. If strong measures be not instantly resorted to, it is impossible to say when and where the mischief will end.

15th.—ACTION AT BONNYMUIR.—The following account of this affair was published by authority:—"Wednesday morning, about seven o'clock, one of the Stirlingshire yeomanry, in proceeding to join his troop at Falkirk, was stopt on the high road, within a few miles of Kilsyth, by a party of armed radicals, who refused to allow him to pass. On his return he met an orderly of the Kilsyth troop, with dispatches, proceeding in the same direction, and both came into Kilsyth, where they acquainted the officer with what had occurred. Lieutenant Hodgson of the 10th hussars, and Lieut. Davidson of the Stirlingshire yeomanry, immediately marched with a party of each of those corps in pursuit of the men, whom they overtook near Bonnybridge. On observing this force the radicals cheered and advanced to a wall, over which they commenced firing at the military. Some shots were then fired by the soldiers in return, and, after some time, the cavalry got through an opening in the wall, and attacked the party, who resisted till overpowered by the troops, who succeeded in taking nineteen of them prisoners, who are lodged in Stirling Castle. In this encounter Lieutenant Hodgson received a pike wound through the right hand, and a serjeant of the 10th hussars was severely wounded by a shot in the side, and by a pike. Three horses were also wounded. Four of the radicals were wounded, one of whom was left on the field; five muskets, two pistols, eighteen pikes, and about one hundred round of ball cartridges, were taken. Lieutenant Hodgson has reported to Major-General Sir T. Bradford, that no troops could behave better than the whole party under his command."

#### DISTURBANCES AT GREENOCK.

5th.—(*From the Greenock paper.*)  
—The considerate of our readers will

readily believe, that, in sitting down to narrate the lamentable events of last Saturday, we undertake a most laborious and painful duty. Harassed by the conflicting statements we have received of occurrences, to the far greater part of which we were not eye-witness, the difficulty of separating the false from the true must be self-evident. All, indeed, that we can pretend to do, is to weigh the evidence before us, to strike an impartial balance, and give what we conscientiously believe to be the best of our information.

The rumour very generally prevailed here on Saturday forenoon, that some individuals, apprehended and imprisoned in Paisley for political offences, were, in consequence of the crowded state of the gaol there, to be brought down to this town, during the day, under the escort of the Port-Glasgow Volunteers, on their return from doing military duty at Paisley. No positive information, however, to that effect arrived till four in the afternoon, when two of the local military came into town, and gave intimation at the gaol that the prisoners were bringing in.—From that time the streets began to throng with idle people and children; and when, about three quarters of an hour thereafter, the prisoners and escort did arrive, a considerable crowd had been attracted towards the line of street through which they were to pass, but nothing like tumult prevailed.—Curiosity was the sole exciting motive with the old as well as young; and amongst the former, assembled in occasional groups, we remarked that the general sentiment was regret that circumstances should have caused the necessity of transferring these prisoners to our gaol, to the temporary interruption of the tranquillity of the town. Nothing like an expression of sympathy for the individuals, on account of the peculiar offences with

which they were charged, occurred in our hearing; and, knowing something of the general disposition of all the classes of the inhabitants, we are tolerably confident that no such sympathy was either generally felt or uttered. The escort, with five prisoners in a cart in the centre, marched along Cathcart-street, to beat of drum, with clear ranks, and without the slightest annoyance. In the same order they delivered up their charge at the gaol; and but a few minutes intervened, while they prepared to return homewards. During this time the first attempt at molestation, it appears, took place—Some boys on the rising ground of Bank-street threw some small stones amongst the volunteers, and, to repress this disposition, two or three pieces were, we understand, discharged in the air. Their march was recommenced, and, in repassing Cathcart-street, the crowd became less orderly, and some annoyance to the volunteers was continued to be exercised as they went along. Occasionally, some of them were observed to turn round to intimidate the mob from pressing upon their ranks, and, from the Post-office onwards to the Rue-end, missiles were occasionally thrown. These, however, were few in number, and projected chiefly by boys. After turning the corner of Cathcart-street, the throwing of stones, though still but little remarked, perceptibly increased, and the volunteers had not gone many paces, when some of them, indignant at treatment which they considered as unmanly, and which, while in the strict line of their duty, they had so little reason to anticipate, fired off their muskets among the crowd. The number of shots discharged at this critical juncture, we believe, was considerable.—Many supposed that merely blank cartridges were fired. Unfortunately it proved otherwise, as two persons fell wounded. Stimulated by passion, and

forgetting who were the original aggressors, others joined in the missile attack; stones were projected of larger size, and in greater number. Much, we understand, was done by the officers of the volunteers to restrain their men from the use of their arms, and, besides the many instances in which exemplary forbearance was spontaneously exercised, this was partially effectual. Still, however, a number of shots were fired within the distance of a few hundred yards; and from the narrowness of the way, and the compactness of the crowd, several of these continued to take fatal effect. The mob did not retire from the unequal conflict, in which they were invoking destruction on many innocent individuals, notwithstanding it was evident that the temper of the military was progressively rising, and that they were now yielding more readily to its impulses. If some of the crowd dropped off in the rear of the local military, it was, in a similar degree, augmented in the front by the inhabitants of the suburbs through which they were making their way. Many of these were spectators and unconscious of their danger, and to this is to be attributed the circumstance, that almost all the sufferers in this melancholy affray were altogether unconcerned in its origin or issue. We have, indeed, heard of but one person who fell, that was known to have acted offensively against the volunteers. The strait passage of Cartsdyke, the skirmish being still continued, increased the number of victims; and here, of course, many narrow escapes also occurred. One window in a small ale house is pointed out which no less than seven balls had penetrated, and in which two men had almost immediately previous been sitting. It was not till the volunteers got clear of Cartsdyke that the annoyance of the mob, or the retaliatory proceedings of the former ceased; and when we con-

sider the extent of ground passed over from the commencement of the serious attack, being little short of half a mile, it will not appear extraordinary that in the numerous irregular discharges of musketry so many casualties occurred. We cannot state the precise number at any particular point, but from a general view it appears to us that the more mortal part of the conflict took place in Cartsdyke. On the whole, two persons might be said to have been killed on the spot, one died shortly after being removed from the ground to an adjacent house, and three the same evening in the Infirmary. The medical gentlemen in the town were almost all on the spot in the shortest time possible, and most indefatigably active in rendering their assistance. Besides the three above mentioned, six were immediately carried to the Infirmary. The rest of the cases were attended privately. In all, the persons who died on the spot and during the evening were six, and five more remained wounded in the hospital, of whom three are considered dangerous, making the total number of ascertained casualties, including out patients, 18. It is reported, that the man already mentioned as so active in fomenting the disturbances, was also wounded. He has absconded. The number above is within that generally reported, but we have the authority of the medical gentlemen for saying, that, from comparing notes, it is believed the list subjoined is nearly, if not altogether correct. The previous misapprehension originated in several of the profession having at different times inspected the same patient, so that many of the casualties were enumerated twice.

From the eastern extremity of Cartsdyke the volunteers proceeded homeward without molestation. Many of them received severe contusions; but these, from our own knowledge, we are not able to particularize

At six o'clock, the release of all the operative classes from labour increased the throng on the streets, and fears began to be entertained that they would meditate some attack on Port-Glasgow; but in a short time the current of their feelings was impelled in a different direction. The liberation of the radical prisoners from the gaol became the channel through which they decided to vent their turbulence. To this there is strong ground for believing they were instigated by strangers, and at all events, when assembled on the spot, it proved that they were to reap material assistance from such. The Magistrates, Justices of Peace, and a number of the respectable inhabitants were on the ground, entreating the crowd, by every possible argument, to withhold from their unwarrantable intentions. But to all these entreaties the answer was uniformly, that they were determined to persist. Those persons known to be strangers, of whom there were a great many, and evidently taking an extreme interest in the result, did not allow this determination to cool. They addressed the crowd around them in the most inflammatory language, and it is even said, were seen distributing money amongst them.—They proceeded to assail the outer gate of the prison, which soon yielded to the great force applied. Against the door of the gaol itself they next impelled their offensive engines, still followed by the Magistrates, Justices of the Peace, Special Constables, and others, who repeatedly risked their personal safety, and some of whom were hurt in the attempt to avert the consequences. All was, however, vain, the door was burst open, and no alternative remained but to allow the mob to carry off the prisoners which came from Paisley. None others were sought, or escaped. After a few minutes spent in clamorous triumph, the prisoners were conveyed away by different ways,

until they got clear of the town. None of them have since been found.

Unrestrained as the mob were by any military force, (to the presence of which we have long been strangers in this town), it was perhaps fortunate that the attack on the gaol occupied their attention so exclusively till their purpose was gained; as immediately after some desperate individuals shouted, "Away for Port Glasgow;" and now, as easily led to mischief as imperious to reason, a sort of recruiting was commenced in the streets, and, proceeding onwards, they pulled up the iron railing on the premises of different individuals in their route; but, learning an express had been early sent to Port-Glasgow to put the inhabitants on their guard, they desisted; and after some further parade and noise, dispersed. At 10 o'clock, the streets were as quiet as if nothing extraordinary had happened; perhaps more so, indeed, than usually on a Saturday evening. The same tranquillity prevailed throughout the night and morning; so that when a party of 25 of the 10th Hussars (the Lord-Lieutenant having been apprized by official express of the disturbance, and military requested) galloped into town from Paisley, about two o'clock, they pushed right through, expecting to find the people congregated at some particular spot, and were in utter amazement when, on going to the farthest extremity of Blackhall-street, they turned the heads of their horses, having scarcely met an individual.

#### DISTURBANCES IN YORKSHIRE.

10th.—On Monday night, information was received at Huddersfield, by those active magistrates, Mr Haigh, and Mr Haigh Allen, that a large force was to assemble the following morning from Bradford, Keighley, Halifax, Dewsbury, and Mirfield. It was, without delay, communicated to

Sir John Byng, who immediately moved his head-quarters from Pontefract to Wakefield. During the night, a movement was observed on the west of Huddersfield; but this party, probably from the smallness of its numbers, and the want of co-operation, dispersed. The great movement was from the vicinity of Barnsley, where, early on Tuesday morning, large bodies of men, armed with muskets and pikes, and having colours and drums, were seen moving in the direction of Grange-moor and Flockton, between Huddersfield and Wakefield.

About one o'clock the malcontents, who amounted to 200, all armed with pikes or other offensive weapons, began to move by different routes towards Grange-moor, the appointed rendezvous, which is a large common between Wakefield and Huddersfield, and nearly at an equal distance between the two places, from each of which it is about six miles. In their line of march they did not proceed in a collected body, but took different routes, all avoiding the town, except a body of six, who, notwithstanding the patrol, fearlessly passed through the streets, each of them armed with a pike. Having gained the main road from Barnsley to Huddersfield, they re-collected their forces, and began to collect arms from the inhabitants at a little distance from the town. Their first call was at Mr Pickard's, where they were not successful. At Mr George Hurst's, of Bank-lane, they obtained a gun; and from Mr Richardson, of the Rose and Crown Inn, at Darton, after using considerable violence, they collected three guns, leaving a pike and an axe behind them.

From Flockton, which is about a mile from Grange-moor, and where they arrived about break of day, they were watched. Here these poor infatuated dupes had been led to expect that they should find from 50,000 to

60,000 companions in arms; but, perceiving that all these flattering representations were mere delusion, they threw away their arms, exclaiming that they were betrayed. Soon after their dispersion, a detachment of cavalry from Huddersfield, consisting of 16 of the yeomanry and 10 of the 4th Dragoon guards, under the command of Major de Barth, appeared, but they found that the enemy had fled in small groups towards their respective homes. The pikes left upon the field amounted to upwards of 100, which the soldiers picked up as trophies, and conveyed to Huddersfield, with a green flag, edged with a black fringe, on which was inscribed—"He that smiteth a man so that he die, shall surely be put to death."

The only prisoner made during the night in Barnsley was a boy about 14 years of age, who was found with a scythe in his hand, preparing to fix it into a shaft, and he was sent off to Pontefract, where the magistrates were sitting, but he was discharged on his master's recognizance. On Wednesday three men were apprehended, and on Thursday morning the Barnsley troop of yeomanry were sent to Dodsworth, a neighbouring village, where they apprehended nine men on suspicion of having been amongst the armed men at Grange-moor; another person was also apprehended, at Barnsley the same day, and underwent an examination before the magistrates. Of these persons nine have been committed to York-castle, and one to Wakefield house of correction. Four other persons, one of whom is represented as the captain, were apprehended by a patrol of cavalry. That the exchequer of the insurgent army was not very full, may be inferred from the fact, that when searched, the captain (Constive), and his three men, only a single halfpenny was found amongst them. Another patrol found, in the same neighbourhood, a knapsack



containing a white flag, with a fringe round it, and black crape at the corner, on which was inscribed—"You have condemned and killed the just, and he doth not resist. And he that hath no sword let him sell his garment and buy one!" Amongst the persons taken is a man of the name of Scholesfield, of Horbury, and another named Pilling of Almondbury.

**SHEFFIELD.**—Soon after eight o'clock on Tuesday evening, a number of disorderly persons assembled in the market-place at Sheffield, but with what object it is difficult to define. About the time of meeting a pistol was fired in the street, and after giving a loud shout they marched down King-street over Ladies-bridge, and advanced about half a mile on the Attercliffe-road, in the course of their march their numbers were somewhat augmented, but never, we believe, exceeded 200. On their return to the town, which they re-entered about 10 o'clock, some of them proposed to stop the mail; others cried—"All in a mind to the barracks;" and others, "Not till the 14th of April." "Remember the 14th of April." The proposed adjournment of the insurrection (which the number and appointments of the revolutionary army seemed very strongly to suggest) met with general approbation, and after a little more firing, and a few more exclamations, they retired to their respective homes. On the following morning, a person of the name of Blackwell was arrested while he was at work, and in the shop in which he was employed were found a loaded pistol, a bayonet, and two pike handles. Soon after his arrest Blackwell underwent an examination before Messrs Alderson and Chandler, who had been sent for from Pontefract, and he very frankly admitted that he was the person who had fired the pistol on the preceding night. Some pains were taken to discover what was the plan, or what the object of the

assembly, of which the prisoner seems to have been the head, but all inquiries on that point were fruitless, and Blackwell was committed to York-castle, to take his trial for the offence.

**11th.**—**GLASGOW.**—This city is now quiet. A considerable number of the leaders of the radicals in it and the surrounding villages have been apprehended and safely lodged in our gaol and bridewell. The military, aided by the civil power, are every where on the alert in searching for arms, &c.

Numbers of the weavers have again begun to their looms. Few or none of the public works at which the men had struck are yet going, the proprietors being determined to receive back only those workers who are of peaceable habits, and who give up the names of their leaders.

**12th.**—Pursuant to a requisition, a highly numerous and respectable meeting of the manufacturers and proprietors of public works was held yesterday in the Town-hall. The Lord Provost was called to the chair.

Mr Kukman Finlay, in proposing the resolutions, remarked, that the present treasonable confederacy had been in contemplation for a number of years. This spot was the very centre of the rebellion; and he stated with the utmost confidence, that an audacious attack was to have been made on Glasgow on Wednesday, by a large armed force. On Tuesday, however, it was generally known that the English had not co-operated; and, in consequence of this disappointment, the rising on Wednesday was not so general as it would otherwise have been. If the attack on Glasgow had been made with the numbers which were expected, it would not have been defeated but with considerable difficulty. Almost the whole mass of the population were concerned in these desperate designs.

The following declaration was then agreed to:—

"We, whose names are hereunto subscribed, merchants and manufacturers in the city of Glasgow and neighbourhood, are resolved, by every means in our power, to assist in putting down the present desperate and unprecedented resistance to all lawful authority, by withdrawing our employment and support from every person who may have lent, or who shall in future lend, his aid to the purposes of the wicked and treasonable conspiracy detailed in 'An Address to the Inhabitants of Great Britain and Ireland,' lately published here."

"We therefore hereby declare our fixed purpose and determination to be, not to employ, in future, any person who may have already joined, or who shall hereafter join, the promoters of this treasonable confederacy—who may have taken up arms, or lent aid and encouragement to it by his presence or countenance."

"We highly disapprove of the conduct of those who have left their work, even when threatened by the menaces of the lawless and unprincipled men who conduct the present audacious proceedings; and we are resolved not again to employ any one who has so left off working, or who shall in future do so, without a previous minute inquiry into his conduct and character, and without being satisfied of his innocence, as relates to his intention, and of his being the victim of his own groundless fears, not the willing instrument of disaffection and disloyalty."

21st.—GLASGOW.—We are now enjoying the most perfect quiet in this part of the country, and a great number of those arrested on suspicion of being implicated in the late transactions have been liberated, either simply, or on a bail so trifling as to imply no heavy supposition of guilt. It will be found very difficult, we suspect, to bring home this business to any person of the slightest influence in society, and it was to this

circumstance we have all along acknowledged that our safety was owing—the want of leaders among the ranks of the disaffected.

Four acres of ground have been leased by government from the Trades'-house, for building horse-barracks in this neighbourhood.

The radicals at Paisley are still remaining quiet. We learn that a number of those most active in the late treasonable and rebellious proceeding have fled. The Sheriff-depute and Substitutes have been engaged in taking precognitions for the last fortnight, and radical apprehensions have taken place almost every night.

—The Edinburgh troop of Mid-Lothian cavalry arrived on Sunday from their western campaign. On Thursday evening, at half past 8 o'clock, they were ordered to muster, and left Glasgow, with a field-piece and lighted match, by the Kilmarnock-road. Early in the morning they reached that town, and having surrounded it, the constables proceeded to do their duty in searching for suspected persons, of whom a considerable number were apprehended; but it was not till 9 o'clock on Friday morning that the troop dismounted, after being 12 hours on horseback. On Saturday they proceeded to Lanark, and on their way surrounded and searched Strathaven for arms and radicals, the whole of that country being tainted with the same principles. Yesterday they again marched for town; and it was with feelings of no small satisfaction that their townsmen hailed their arrival, after having accomplished so much severe duty.

22d.—YORKSHIRE.—Since the assembly on Grange-moor no further act of violence or riot has been committed in the districts which have been lately disturbed. The effects, however, of the recent risings, have by no means subsided, nor can they be expected to do so for some time to come. Name—

rous arrests have been made during the last week, both at Barnsley and Huddersfield; and a considerable number of persons who were engaged in the late movements, have absconded from their homes. Of these deluded and unfortunate men, some are wandering about at no great distance from their places of abode, shunning the constables and military; and others have not been heard of since the night of the Grange-moor meetings. On Wednesday, four brothers, of the name of Hutchinson, were apprehended at Dodworth, near Barnsley, along with a man named Siddon, on a charge of having attended armed at Grange-moor. Another man was arrested by a party of yeomanry and soldiers, and evinced great fear on being taken; he is said to have made important disclosures. Thomas Ferriman, a person who has long been known as a violent radical, and whose mental sanity has been doubted, is one of the persons charged with attending at Grange-moor; this credulous, doting, old man has for the present made his escape, but it is expected that he will soon be traced and apprehended. He is represented to have given way to absolute phrensy on finding, when he arrived at the place where he expected to meet the insurgent army, that he was duped and betrayed. From the confessions of several of the persons who have been taken into custody, it appears certain that the men who marched from Barnsley had been amused with the most marvellous accounts of the force which was expected to join them from Huddersfield and Wakefield, as well as the Scotch army, whose success was spoken of as certain. On Thursday evening, three of the persons who had absconded from Barnsley, William Rice, John Bukinshaw, and John Ferriman (the son of Thomas Ferriman), were brought to that town in the custody of Mr Hopwood, the constable of Barns-

ley, who had followed them into Lancashire, and arrested them there.

## MAY.

1st. — EXECUTION OF THISTLEWOOD AND HIS ACCOMPLICES. — During nearly the whole of the night the wretched men slept sound, and were only awakened by the unbarring of their cell-doors to admit the reverend ordinary. He found them in their separate cells, and went to each, urging every pious argument to reclaim them to the paths of Christianity. On Thistlewood, Tidd, Ings, and Brunt, however, his arguments were unavailing; but on Davidson his endeavours were crowned with success, and in the most fervent manner this unfortunate man joined in prayer with Mr Cotton for mercy at the hands of his Redeemer. The cells in which these delinquents were confined, though separated by strong walls of stone, were not sufficiently detached to prevent them from speaking to each other, and Ings, speaking, during the night, of the approaching awful exhibition they were to make, remarked to another of his companions, with savage disappointment, "that there would be plenty of persons present; but damn the —, they had no pluck." Our readers are aware that Davidson had hitherto preserved the same obdurate tenets as his associates in guilt; but, during Sunday, a manifest change took place in his manner, and he totally abandoned the wish to receive spiritual comfort from a Wesleyan minister, for whose assistance he had applied in the morning. This person's name is Rennett, who, it seems, had been a journeyman tailor, and had sometimes preached among the Wesleyans; and as Davidson had some slight knowledge of him,

he expressed a wish for his company. As this man, however, was in a situation in life not well adapted to reveal the holy tenets of salvation to a dying man, it was thought more prudent that Davidson should, if he wished, have a regular clergyman of any persuasion he might think fit. On hearing this proposition again repeated to him, he immediately requested the spiritual consolation of the Rev. Mr Cotton. That gentleman visited him immediately; and, as we have stated before, went to him in the night.

At five o'clock yesterday morning Mr Cotton went again to the gaol, and proceeded to the condemned cells with the hallowed elements of the sacrament, which was administered to and received by Davidson with the utmost devotion. The reverend gentleman offered the same instrument to the other culprits, who, however, we regret to state, were immutable in their infidelity. The ordinary ascended the platform, and at a quarter before eight Thistlewood made his appearance on the scaffold. His step faltered a little as he mounted the platform, and his countenance was somewhat flushed and disordered on being conducted to the extremity of the drop. His deportment was firm, and he looked round at the multitude with perfect calmness. He had an orange in his hand. On the cap being placed on his head, he desired that it might not be put over his eyes. While the executioner was putting the rope round his neck, a person from the top of the houses exclaimed, "God Almighty bless you." Thistlewood nodded. The Rev. Mr Cotton, by whom he was preceded, endeavoured to obtain his attention; but he shook his head, and said, "No, no." He looked round repeatedly, as expecting to recognise some one in the crowd, and appeared rather disconcerted at

observing the distance to which the populace were removed.

Tidd was brought up second. He ran hastily up the ladder. An unusual flush overspread his face. He bowed to the populace, after looking round, and familiarly nodded to some one whom he recognised at a window with an air of cheerfulness. He also desired that the cap might not be put over his eyes, but said nothing more. He nodded at different people in the windows. He likewise had an orange in his hand, which he continued to suck till the cap was drawn over his face. He soon became perfectly calm, and remained so till the last moment of his life.

Ings then came up; he was dressed in his butcher's jacket. On reaching the scaffold he gave three cheers, and conducted himself with great hardihood. He turned round several times to the multitude, and smiled at them, and then sung in a discordant voice—"Oh, give me death or liberty!" The executioner having tied the cap over his eyes, he exclaimed, "Let me see as long as I can." He followed this by saying to the crowd, "Here we goes, my lads; here's the last remains of James Ings." His conduct, however, was evidently bravado.

Thistlewood now said to Tidd, "We shall soon know the last grand secret."

Davidson ascended the scaffold with a firm step, calm deportment, and undismayed countenance. He bowed to the crowd, but his conduct altogether was equally free from the appearance of terror and the affectation of indifference. When he first came up he seemed engaged in prayer, and was immediately joined by the Rev. Mr Cotton, whose attentions were altogether rejected by the others.

While the executioner was tying up Thistlewood, he again awoke, and said,

addressing a person near him, "I have but a few moments to live; I hope you will tell the world I died a sincere friend to liberty."

Ings now addressed himself to a person in front of the scaffold, who was taking notes, and said, "I die an enemy to all tyrants. Recollect, put that down."

Brunt was the last that came out. He passed hastily up the steps, assisted by one of the officers, and advanced with a laugh on his countenance. While the rope was being adjusted he looked towards St Sepulchre's church, and, perceiving some one with whom he had been acquainted, he nodded several times, and then made an inclination of the head towards the coffins, as if in derision of the awful display. His conduct was marked by the same irrational levity to the last. When his handkerchief was taken off, the stiffener fell off, and he kicked it away, saying, "I shan't want that any more."

Ings, who still kept looking about with firmness, again spoke, and said, "I am not afraid to go before God or man. I know there is a God, and I hope he'll be merciful." He had a blue cap on his head when he came up, which was immediately removed by the executioner, and its place supplied by a white one.

The executioner now proceeded to pull their caps over their eyes and adjust the ropes. When he came to Ings, the unhappy man said, "Now, old gentleman, finish me tidily. Tie the handkerchief tight over my eyes. Pull the rope tighter; it may slip."

Davidson, who continued to pray with Mr Cotton, firmly pressed his hand.

The executioner then left the scaffold, and in a few seconds, at six minutes after eight, the fatal signal was given, and the drop instantly fell. Their sufferings were brief. Thistle-

wood never moved a limb, nor did he turn, but hung exactly as he had previously stood. Ings was much convulsed for some seconds, but at the expiration of three minutes all suffering seemed to be at an end.

HERFORD.—About a quarter past ten last night, (Tuesday the 2d instant,) the inhabitants of this city were again alarmed by the cry of fire at the college, and in consequence a large number of persons hastened to render their assistance. The flames were discovered on the north side, in the ceiling of one of the upper rooms, which was on fire in two places, and there is little doubt but in a very short period, if the providential discovery had not taken place, the whole of that part of the building would have been in flames. The judicious exertions of those who first reached the spot effectually subdued the fire, which had made considerable progress, and nearly burned through a large beam, and some rafters, with great injury to the apartment. Like the former attempts, this is evidently the work of some horrible incendiary well acquainted with the premises.

4.—LITERARY FUND.—Yesterday the anniversary of this excellent institution was celebrated by a dinner at the Freemasons' Tavern. The Earl of Blesington was in the chair, supported by the Earl of Pomfret, Lord Bolton, the Hon. Douglas Kinnaird, Sir W. Clayton, George Watson Taylor, Esq., Charles Monza, Esq., G. Sinclair, Esq. M. P., the Rev. D. Bookar, the Rev. Dr Hinde, Richard Heber, Esq. the Rev. Charles Parr Burney, the Rev. Dr Jones Boswell, John Littledale, Esq. (the barrister,) and several other well-known persons. After the usual loyal and patriotic toasts, the noble Chairman gave the health of the Duke of Somerset, the President of the Society; and afterwards, "Prosperity to the Literary Fund." He

mentioned, in the latter case, that the society had existed for thirty years, and it had received first the countenance of his present Majesty as Prince of Wales, then as Regent, and now as King. He told the company that it had not only extended its aid to native literary characters, but to foreigners of merit, among whom he mentioned the translator of Milton into the Icelandic tongue. In the course of the evening Mr Fitzgerald addressed the company for the 21th time in the anniversaries of the society. He recited a poetical address, which was received with loud approbation. As a higher compliment, both to the meeting and to the poet of the fund, Mr Braham sung two pieces of verse composed by Mr Fitzgerald.

BY THE KING — A PROCLAMATION,

*Declaring his Majesty's pleasure touching his Royal Coronation, and the Solemnity thereof.*

GEORGE, R.—Whereas we have resolved, by the favour and blessing of Almighty God, to celebrate the solemnity of our royal coronation, upon Tuesday the first day of August next, at our palace at Westminster and forasmuch as by ancient customs and usages, as also in regard of divers tenures of sundry manors, lands, and other hereditaments, many of our loving subjects do claim and are bound to do and perform divers several services on the said day, and at the time of the coronation, as, in times precedent, their ancestors, and those from whom they claim, have done and performed at the coronation of our famous progenitors and predecessors: We, therefore, out of our princely care for the preservation of the lawful rights and inheritances of our loving subjects whom it may concern, have thought fit to give notice of and publish our resolutions therein; and

we do hereby give notice of, and publish the same accordingly and we do hereby further signify, that by our commission under our great seal of Great Britain, we have appointed and authorized our most dear brothers and faithful counsellors Frederick Duke of York, William Henry Duke of Clarence, Augustus Frederick Duke of Sussex; our most dear cousin and faithful counsellor William Frederick Duke of Gloucester; our most dear cousin and faithful counsellor Prince Leopold of Saxe-Coburg; the most Reverend Father in God our right trusty and right entirely-beloved counsellor Charles Archbishop of Canterbury, Primate of all England and Metropolitan; our right trusty and well-beloved counsellor John Lord Eldon, our Chancellor of Great Britain; our right trusty and right well-beloved cousins and counsellors Dudley Earl of Harrowby, president of our council; John Earl of Westmorland, keeper of our privy seal; our right trusty and right entirely-beloved cousins and counsellors John Duke of Atholl; James Duke of Montrose, master of our horse; Arthur Duke of Wellington, master-general of our ordnance; our right trusty and entirely-beloved George James Marquis of Cholmondeley, lord steward of our household; Francis Marquis of Hertford, lord chamberlain of our household; Charles Ingoldby Marquis of Winchester, groom of our stole; James Marquis of Salisbury; Richard Marquis Wellesley; John Jeffreys Marquis Camden; our right trusty and right well-beloved cousins and counsellors George Earl of Winchelsea and Nottingham; Frederick Earl of Carlisle; Cropley Earl of Shaftesbury, James Earl of Lauderdale; George Earl of Maclesfield, Captain of the Yeomen of our Guard, Charles Earl of Harrington; Philip Earl of Hardwicke; John

Earl of Chatham; Henry Earl Bathurst, one of our principal Secretaries of State; Charles Chetwynd Earl Talbot, our Lieutenant-General and General Governor of that part of our united kingdom called Ireland; Robert Banks Earl of Liverpool, First Lord Commissioner of our Treasury; Richard Earl of Donoughmore; Thomas Earl of Chichester; Henry Earl of Mulgrave; William Earl Cathcart; John Earl of Sheffield; our right trusty and well-beloved counsellors Robert Stewart, Esq., commonly called Viscount Castlereagh, one of our principal Secretaries of State; Charles Cavendish Bentinck, commonly called Lord Charles Cavendish Bentinck, treasurer of our household; our right trusty and well-beloved cousins and counsellors Percy Clifton Sidney Viscount Strangford; Robert Saunders Viscount Melville, first Lord Commissioner of our Admiralty; Henry Viscount Sidmouth, one of our principal Secretaries of State; our right trusty and well-beloved counsellor Thomas Hamilton, Esq., commonly called Lord Binning; Robert Jocelyn, Esq., commonly called Viscount Jocelyn, vice-chamberlain of our Household; John Thynne, Esq., commonly called Lord John Thynne; George Thomas Beresford, Esq., commonly called Lord George Beresford, comptroller of our household; the Right Reverend Father in God our trusty and well-beloved counsellor William Bishop of London; our right trusty and well-beloved counsellors William Pitt, Lord Amherst; Charles George Lord Arden; Alleyne Lord St Helen's; Frederick Morton Lord Henley; John Lord Redesdale; Thomas Lord Erskine; Charles Manners Sutton, Esq.; Sir Arthur Paget, Knight; William Wellesley Pole, Esq.; John Trevor, Esq.; Sir William Scott, Knight; George Canning, Esq.; William Dunlop, Esq.; Charles Philip Yorke, Esq.;

Sir William Grant, Knight; Thomas Wallace, Esq.; Charles Bathurst, Esq., Chancellor of our Duchy of Lancaster; Charles Long, Esq., paymaster-general of our forces; Sir John Borlase Warren, Baronet; Sir Evan Nepean, Baronet; Charles Arbuthnot, Esq.; John Hookham Frere, Esq.; Nicholas Vansittart, Esq., Chancellor and under treasurer of our exchequer; Reginald Pole Carew, Esq.; John Sullivan, Esq.; Richard Ryder, Esq.; Sir John Nicholl, knight; Frederick John Robinson, Esq., treasurer of our navy; William Vesey Fitzgerald, Esq.; Robert Peel, Esq.; Sir Thomas Plumer, Knight, Master of the Rolls; William Huskisson, Esq.; William Sturges Bourne, Esq.; Cha. Bagot, Esq.; Sir Henry Russell, Baronet; Sir Richard Richards, Knight, Lord Chief Baron of our Exchequer; John Beckett, Esq.; Sir Benjamin Bloomfield, Knight; Sir John Leach, Knight, Vice-Chancellor of England; Sir Charles Abbot, Knight, Lord Chief Justice of our Court of Common-Pleas; Sir Samuel Shepherd, Knight, Lord Chief-Baron of our Exchequer in Scotland; and David Boyle, Esq., Lord Justice-Clerk of Scotland, or any five or more of them, to receive, hear, and determine the petitions and claims which shall be to them exhibited by any of our loving subjects in this behalf; and we shall appoint our said Commissioners for that purpose to sit in the Painted-chamber of our palace, at Westminster, upon Thursday the 18th day of this instant May, at twelve of the clock at noon of the same day, and from time to time to adjourn as to them shall seem meet, for the execution of our said commission; which we do thus publish to the intent that all such persons whom it may any ways concern may know when and where to give their attendance for the exhibiting of their petitions and

claims concerning the services before-mentioned to be done and performed unto us at our said coronation ; and we do hereby signify unto all and every our subjects whom it may concern, that our will and pleasure is, and we do hereby strictly charge all persons, of what rank or quality soever they be, who, either upon our letters to them directed, or by reason of their offices or tenuies or otherwise, are to do any service at the said day or time of our coronation, that they do duly give their attendance accordingly, in all respects furnished and appointed as to so great a solemnity appertaineth, and answerable to the dignities and places which every one of them respectively holdeth and enjoyeth, and of this they or any of them are not to fail, as they will answer the contrary at their perils, unless upon special reasons by Ourself, under our hand to be allowed, We shall dispense with any of their services or attendances.

Given at our Court at Carlton-house, this sixth day of May, one thousand eight hundred and twenty, and in the first year of our reign,—GOD SAVE THE KING.

*“ Geneva, May 17th.*

“ The Queen arrived here on Tuesday last, coming by Mount Cenis to Chambery, and thence by Aix, and Rumilly to this place. Her Majesty is lodged at the Hotel l’Ecu de Geneve, where she intends to remain till the return of a courier sent to Mr Brougham on her arrival here.

“ Her Majesty is leading a most retired and regular life ; she rises early, and is in bed generally before 11 ; her dinner-hour is at two, after which she takes an airing on the lake, and returns at five to tea.

“ Her Majesty was confined at Milan several days by indisposition, but is now in the best health and spirits ;

she has been induced to travel with less expedition than usual, following the advice of her physicians.

“ On Friday, as the Queen entered her carriage to take her accustomed ride, she was informed of the death of the Duchess of York ; it so affected her that she was obliged to return to her chamber in evident distress.

“ From the authorities of the King of Sardinia her Majesty received the greatest attention. Though she expressed a desire to keep the strictest *incognito*, they insisted upon providing her Majesty with an escort of carabinieri throughout the Sardinian dominions.

“ The Queen has dismissed her Italian court, and, with the exception of her maids and footmen, has merely with her M. de Bergami, her chamberlain, an equerry, and her private secretary, who is an English gentleman. Mr William Austin, whom her Majesty took under her protection while a child, is now a very fine young man, and accompanies her Majesty to England, where she intends to place him at college.

“ A great deal of jealousy has been excited in Italy, and stories have found their way to England, relative to the exaltation of M. de Bergami, by her Majesty, from the situation of courier to chamberlain, from apparently nothing to that of a Baron covered with orders. But it is said that these decorations he gained by his bravery with the French army in the campaign in Russia and elsewhere ; and besides the high recommendation the Queen received with him, she says that she found his family was of respectability, and she has lost no occasion to reward him for six years of tried services. He leaves her Majesty next week, to join his sisters at Bologna.

“ On receipt of dispatches from England, the Queen will set out immediately for Ostend, taking the route



by Lausanne to Carlsruhe, and so on to Brussels."

23d. MORLEY'S GAMBLING-HOUSE. — Some time ago, John Morley, the keeper of a gambling-house, at No. 3, Sweeting's rents, was convicted in the penalty of 200*l.* for having allowed the game of hazard to be played in his house. The gentleman who proceeded against the defender is a merchant of respectability, whose nephew has lost considerable sums of money in the house at the game above mentioned, and the defendant was not to be found for some time.

Hurdefield, accompanied by Martin and Branscomb, entered the premises, and took an inventory on Tuesday last. They were not only refused the amount of the penalty, but were threatened with actions for trespass, &c. The officers, however, determined to follow the directions in the warrant, and remained on the premises five days, during which they did considerable mischief to the business of the house, where billiards are played by great numbers. Several young fellows, upon seeing the officers, who made no secret of the nature of their visit, left the house in a hurry. It was impossible for the officers to ascertain whether any other game was carried on in the house, for bolts and bars are numerous there, and the greatest caution has hitherto been observed as to the admission of persons to the hazard-table. During their stay in the house, however, the officers saw quite enough to convince the Lord Mayor of the necessity for marking the house.

After some gasconade on the part of the defendant and his friends, he thought it most prudent to settle the matter, after having endeavoured to prevail upon the officers to take himself instead of the goods, and assured them that there was not a pennyworth of property in the house to which he had any claim. He paid down 125*l.*,

and gave his bond for the remainder of the penalty to the solicitors for the prosecution.

It was stated that great numbers of young persons, in situations similar to that held by the unfortunate lad who robbed his master to play at Morley's, have been ruined by the house. Some have been already brought to ~~justice~~ at the Old Bailey; others have, in the madness caused by losses, destroyed themselves; and others have escaped to other countries by their own activity, or the influence of their friends. The penalty inflicted by the 12th of Geo. II. upon any persons found playing at hazard is 50*l.* The officers have received particular directions to watch Morley's house.

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## JUNE.

8th. — On Thursday, during the whole of the day, persons were employed throughout the town posting up printed bills, announcing that a general illumination would take place at night, in honour of her Majesty's arrival in England. They were generally circulated, especially at the west end of the town; and in the evening, as soon as dusk, many houses were in active preparation for the ceremony, to prevent the worst of consequences, and at dark lighted up, and, for a short notice, they were pretty general.

A great mob, who met, no doubt, for mischievous purposes, assembled at an early hour opposite Alderman Wood's house, and at dark they commenced a cry of "Light up!" and South Audley-street exhibited a very lively scene during the night; for, with very few exceptions, the whole were illuminated, some with lamps, and others with wax candles. The exceptions were singled out, and the

mob "played havoc" with the panes of glass, which were all demolished. One house, nearly opposite to that in which the Queen resides, refused to light up, when they immediately pelted the windows, and hooted in a terrible manner, and its inmates were thrown into considerable alarm and confusion. Various mobs were in the execution of the same service at different parts of the town, which rendered it necessary for the interference of the civil and military powers. They pursued this kind of conduct at every house they found not illuminated. The mob remained in South Audley-street until about 11 o'clock, at which time a strong body of Life-Guards made their appearance at the end of the street with their arms. Their appearance caused a tumultuous exclamation from the populace, and they were assailed as they went along with various opprobrious epithets, mixed with cries of "The Queen for ever!" &c. The mob soon after dispersed, and the Life-Guards continued to parade the street for a length of time, when all was peaceable. Various detachments of the military were stationed in other parts of the town, and in Pall-mall, Piccadilly, and other places, and caused peace to be restored. The illumination was, however, general at the west end towards the close of the night, and especially in some of the squares. The houses of several noblemen were thickly lighted up, and many tradesmen to the Royal Family paid great observance on the occasion. At the east end of the town also they were illuminated, but not in so general a manner.

*Extract of a Letter from Dublin, dated June 12.*—"We are here in a truly deplorable situation, in consequence of the failure of the Banks. Heretofore the Dublin Banks were considered impregnable, and, notwith-

standing all the ruin and dismay in the country, there was no run upon any of them. Things, however, are changed. Alexander's Bank closed this morning, or, more properly speaking, did not open; and we can now, unfortunately, form some judgment, from experience, of the confusion and alarm which have been witnessed in the most agitated part of the South. This failure, it is thought, will do more injury than all the others put together. If any confidence had remained, it will destroy it. No one has courage now to keep any private banker's note. The character of Latouche's Bank is well known. I had just now one of its notes, and went to get it changed. This was about an hour and a half after Alexander's failure was known, and I can pledge myself that I could scarcely get near the desk. Bank post-bills, that were not due, as well as other notes, were offered for payment, and paid off with alacrity. My note was a post-bill, that was not even accepted, yet I asked and received for it a national note. There were numbers of people in my situation, and all of their demands were satisfied like mine. From this you may judge of our condition. I suppose there will not, before the end of this week, be a private banker's note in circulation in any part of Ireland; and if three, out of all the Banks, are able to withstand the storm, it is as much as the most sanguine now calculate upon. The connexions of the Alexanders were chiefly in the north. In that quarter there has been as yet no crash; but you may well conceive what is now to be expected. The notes of the firm in circulation are said to amount to 500,000*l*.

"Two curious anecdotes, illustrative of the distressed condition of Ireland at the present moment, are mentioned in conversation. 1st, Lately,

a five-pound private note was offered in Cork for a leg of lamb, and refused 2d. In Limerick, a man worth 1500l. or 1600l a year had asked a party to dinner. As for credit, it was out of the question; and if he could not pay the butcher, the poulterer, and pastry-cook in cash, he could hope for nothing to lay before his friends. He was not without money, as he had a 10l national note. But who could give change for so might; a paper? His butcher could not; neither could his poulterer or pastry-cook. His only resource was to write to his friends, very ingenuously describing to them his situation, and begging that they would defer their visit until he could procure either credit or change of a 10l. note!"

15th.—The metropolis was thrown into some alarm by a temporary feeling of insubordination in the First Battalion of the Third Guards. It arose from circumstances unconnected with any considerations of a political nature. The grounds of complaint alleged were, that their removal into the new barracks in the King's Mews deprived them of many advantages they enjoyed while on billet; that their pay was insufficient; and their duty too hard, &c. It is hardly necessary to say, that all these circumstance together amounted to no real grievance. Discontent first shewed itself on this evening; and on the Duke of Gloucester, as colonel of the regiment, laying the state of things before the commander-in-chief, orders were directly issued to change the quarters of the battalion. The insubordination continued throughout the night. At four the next morning the first division, however, marched off for Portsmouth without a murmur; and the report received from them in the course of the day was satisfactory. Exaggeration was as usual at work;

crowds of idle rabble collected the whole of Friday round the gates of the Mews; and some miscreants endeavoured, happily in vain, to inflame the passions of the military. In the evening the Horse Guards were called out to disperse the crowd, and quietness was restored. On Saturday at four the remainder of the battalion followed their companion, after having been inspected by the Duke of Wellington. They expressed their contrition for what had passed.

16th.—The following is the account issued, it is apprehended, by order of government:—

"Lest any alarming impression should be entertained upon the subject of the rumours of disorder in the 1st battalion of the 3d regiment of Foot Guards, it is due to the high character for loyalty and discipline which has ever distinguished this corps, to prevent it from suffering in the public opinion by any exaggerated reports, arising from some circumstances of discontent which had prevailed among the privates for the last few days. The fact is, that the recent removal of the men from billets into barracks (in the King's Mews), and the hard duty consequent upon the call for troops within the last week, occasioned some discontent, and a hesitation in the prompt obedience to some orders yesterday. In consequence of this, it has been deemed expedient to change the quarters of the battalion; and the report received this afternoon, from the commanding officer of the left wing of the battalion, on its first day's march, is highly creditable in every respect to the discipline and good order of the men. Nor is the report of the feeling shewn by the remaining part of the battalion less satisfactory. It may be proper to add, that the 2d battalion of the same regiment is in the highest state of discipline; and that it has

been clearly ascertained that the symptoms of disorder in the first battalion are unconnected with any political feeling whatever. We have authority to state, that the men of the right wing of the regiment, remaining this day in town, have expressed themselves much concerned for what has occurred, and are anxious to come forward to plead for pardon of those who have misconducted themselves."

#### THE CITY ADDRESS TO THE QUEEN.

"*To the Queen's Most Excellent Majesty.*

"The dutiful and loyal Address of the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled

"*May it please your Majesty,—* We, his Majesty's ever-dutiful and loyal subjects, the Lord Mayor, Aldermen, and Commons of the city of London, in Common Council assembled, approach your Majesty with sincere expressions of loyalty, attachment, and regard.

"We condole with your Majesty on the various afflictions your Majesty has sustained, since your departure from this country, by the loss of so many illustrious personages of your Majesty's family, especially by the demise of our late beloved Sovereign, your Majesty's paternal guardian, whose countenance and support, under the most trying circumstances, gave the best pledge to the nation of your Majesty's innocence, and the firmest protection against all your enemies; and also that of your amiable and illustrious daughter, the Princess Charlotte, the fond hope of Britain, whose memory will be ever dear to an affectionate people.

"Deeply attached to the royal family, and anxious for the preserva-

tion of the public tranquillity, we feel ourselves called upon to express our earnest hope that the differences which unfortunately subsist may be arranged in a manner honourable to your Majesty, as well as to your Royal Consort, and satisfactory to the country; and that, should an investigation of these differences be still unhappily resorted to recognizing the dignified firmness which your Majesty has manifested, by the solemn protest you have entered against all secret investigations of your conduct, so repugnant to common justice, and to the feelings of Englishmen, we trust such investigation will be conducted in an open and impartial manner, and terminate in the complete vindication of your Majesty's honour

"We rely upon your Majesty's gracious acceptance of this Address, as a proof of the loyalty and affection of your faithful citizens of London, and of their attachment to the illustrious house of Brunswick, who, they trust, will long continue to sway the British sceptre, and maintain the liberties and happiness of the people"

"*Glasgow, June 28.*

"Last night an alarming affray commenced in the Saltmarket, between a party of the 13th regiment of foot on the one hand, and the police and inhabitants on the other, which, for the time it lasted, had the most dreadful appearance, more so, perhaps, than was ever witnessed on the streets of this city. It began between seven and eight o'clock, and is said to have thus originated:—About a dozen of the soldiers walking up the Saltmarket were hooted and howled at by a number of blackguard young fellows, when the soldiers, in their defence, drew their bayonets. The police, in the meantime, arrived; but such was the terrific appearance of the

soldiers, that no one dared to approach them. One of them, however, having separated from his companions, was made prisoner, and after a severe struggle carried to the police-office. The rest of the party had by this time reached the Cross, and had complete possession of the Tron-gate to the end of the Exchange, the inhabitants flying by the back of the Tron-tine, and through every opening where they could find access. The crowd soon considerably augmented, and stones were flying at the soldiers from all quarters, and some of the more daring rushed in upon them, and attempted to wrest the bayonets from their hands; in one or two cases this succeeded, but the soldiers keeping so well together, those who attempted it in general paid for their temerity, as they were often knocked down and severely struck with the sides of the bayonets. A sort of running skirmish continued for about half an hour; the police, in large bodies, repeatedly rushed in upon them, though with little effect. The soldiers were at length overpowered, and 16 of them carried to the Police-office, when peace was restored. A strong party of the Rifle brigade was soon after marched up, and are doing duty at the Police-office. It was pleasant to observe that the crowd did not attempt to molest, in the least, any soldier who did not take part in this disturbance; many of the Hussars, Rifle-brigade, even some of the 13th regiment, and others, walked along the streets with the greatest freedom. Almost all the 16 soldiers sent to the Police-office were, more or less, hurt, and two of them were carried to the military hospital. Some of the police-officers and patrol are also hurt. A civil and military inquiry is now going on."

## JULY.

"TO THE QUEEN'S MOST EXCELLENT MAJESTY.

"The humble Address of the Lord Mayor, Aldermen, and Livery of the City of London, in Common Hall assembled:—

"*May it please your Majesty,*—We, his Majesty's dutiful and loyal subjects, the Lord Mayor, Aldermen, and Livery of the City of London, in Common Hall assembled, humbly approach your Majesty with our warmest congratulations upon your Majesty's safe return to this kingdom.

"We sincerely condole with your Majesty upon the loss of so many illustrious personages of your Royal House, particularly that of your Majesty's guardian and protector, our late revered Sovereign, and your amiable and beloved daughter, the Princess Charlotte, upon whom the hopes of the nation had fondly rested.

"We have beheld with grief the numerous insults and indignities which have been offered to your Majesty, both at home and abroad, and lament that any persons should be found with such unchristian feelings as to advise the omission of your Majesty's name in the solemn services of the Church.

"As we have before congratulated your Majesty upon your complete triumph over a foul conspiracy against your life and honour, we have never ceased to feel the most anxious solicitude for every thing connected with your peace and happiness, and sincerely trust your Majesty will prove equally triumphant over the renewed attempts to vilify your character.

"We have felt, in common with all his Majesty's subjects, the highest indignation at the insulting and degrading speeches which were made—

your Majesty previous to your arrival in this country.

"We admire the prompt refusal of your Majesty to compromise your honour for a pecuniary consideration; nor can we forbear expressing equal admiration at the magnanimous and decisive conduct your Majesty has displayed, by your unhesitating confidence in the loyalty and honour of the British nation, as well as the courage you have evinced in boldly meeting your accusers, protesting against all secret investigations, and demanding an open and constitutional tribunal.

"We felt disgust at the proposal made to your Majesty to become an exile from this land, which might afford your Majesty's enemies fresh opportunity for the calumnies which probably they never would have dared to attempt, if your Majesty had remained in England.

"We sincerely hope that your Majesty will be established in full possession of all your just rights, and reside amongst a people zealously attached to the house of Brunswick, and who feel deeply interested in every thing connected with the honour of that house, and with the welfare and happiness of your Majesty."

Her Majesty then returned the following answer:—

"It is with peculiar satisfaction, and with most cordial thanks, that I receive this loyal and affectionate Address from the Lord Mayor, Aldermen, and Livery of the city of Aldon, whose mainly support of my cause upon a former occasion has never ceased to live in my grateful remembrance.

"No words can give utterance to the agonies of my heart, occasioned by those losses on which you offer me your kind condolence, and which admit of no reparation on this side the grave; but, in the many and deep sorrows and afflictions with which it has pleased Providence to visit me, I have derived unspeakable consolation from

the zealous and constant attachment of this warm-hearted, just, and generous people, to live at home with, and to cherish whom, will be the chief happiness of the remainder of my days.

"The indignation which a long series of persecution, plots, and conspiracies, carried on against my peace, honour, and life, is so well calculated to excite, it shall be my endeavour to suppress; and while I steadily pursue the means necessary to the full possession of all my rights, privileges, and dignities, I would fain bury past injuries and insults in total oblivion.

"Conscious of my innocence, disdaining the threats intended to awe me, knowing that it was to Britain I was coming, it required no extraordinary degree of courage to place me in the face of my accusers. To have acted upon this or upon any other occasion a pusillanimous part, would ill become a daughter of the house of Brunswick, and the Queen of a nation famed for its valour in all ages, and whose gallant sailors and soldiers have so recently been crowned with laurels in every part of the globe."

The following is the Address of the Corporation of York, and her Majesty's answer:—

TO HER MAJESTY CAROLINE, QUEEN  
OF THE UNITED KINGDOM OF GREAT  
BRITAIN AND IRELAND.

"Madam,—We, the Lord Mayor and inhabitants of the city of York and its vicinity, beg leave to approach your Majesty with our serious condolence on the deaths of your illustrious daughter and our late Sovereign, and with our congratulations and assurances of duty on your accession to the throne, and on your safe return to this kingdom. We view with sentiments of strong reprobation the conduct of ministers towards your Majesty; for then insults to you, they insult the

Royal Family, at whose head, conjointly with the King, you are placed; the laws and institutions of the country, and the sacred principles of justice; whilst the noble firmness of your Majesty's demeanour, so worthy your exalted state, has attracted our warmest admiration; and your Majesty may be assured not only of the best wishes of a free and loyal people, but that, in opposition to their sense of right, no insidious machination can prevail against you.

"May the clouds which now obscure your Majesty's peace and happiness be quickly dispelled; and may you, in a long and prosperous life, forget the calamities of your earlier years, and, as Queen of this united kingdom, enjoy the blessings and honours of your illustrious rank.

"As chairman of the meeting, and for and on behalf of the said inhabitants. GEORGE PEACOCK, Mayor.

*"Guildhall, York, June 26."*

**TO THE RIGHT HON. THE LORD MAYOR  
AND INHABITANTS OF THE CITY OF  
YORK.**

"I thank you for your loyal congratulations on my accession to the throne, and on my return to England, as well as for your expressions of condolence on the severe losses, which, in common with the whole nation, I have sustained in the death of my dear and illustrious relatives. Had it pleased providence to preserve their lives, I should not have now been exposed to the persecutions that await me, nor the country to the fatal consequences that must always follow a departure from the sacred principles of public justice. In the unequal contest against those secret advisers who are alike the enemies of my Royal Consort and myself, I rely with confidence on the sympathy and support of every generous bosom, and feel secure that

the vindication of my honour will be again complete."

**"TO THE QUEEN'S MOST EXCELLENT  
MAJESTY.**

"The dutiful address of the inhabitant householders of the city and liberty of Westminster, in public meeting legally assembled, this 4th day of July, 1820.

"We, his Majesty's subjects, the inhabitant householders of the city and liberty of Westminster, beg leave to offer your Majesty our heartfelt congratulations on your Majesty's safe return to your and our country. We have never ceased to feel regret for the unrelenting persecutions and indignities your Majesty experienced, while Princess of Wales, from some of the highest authorities in this country, especially at the time when your most amiable, dutiful, and affectionate daughter, whose loss must be long and equally deplored by your Majesty and by all the loyal people of this realm, stood most in need of the consolatory attentions of a revered parent.

"We come before your Majesty with no servility, and will not offend your Majesty with unmeaning words of adulation, as unbecoming a Queen of England to hear as of Englishmen to utter: but we come before your Majesty with a sincerity in which we will give place to none.

"We assure your Majesty that in all our public proceedings we have constantly maintained the just prerogative of the crown, and the rights and liberties of the people. We have always supported the three estates which compose our free form of government, anxiously desirous that each should preserve its powers without encroaching on either of the others; and in this our undeviating course of pure loyalty, we have been steadily opposed to the domination of an oligarchy, which, al-

though it is neither of those estates, endeavours to usurp the powers of the whole ; to trample upon the rights of the people ; to destroy all real responsibility of ministers ; and has at length not only dared publicly to insult your Majesty, but to propose a measure, as truly as magnanimously declared by your Majesty to be ' unknown to the law of the land, and a flagrant violation of all the principles of justice.'

" We heard with indignation, but without surprise, of intentions being entertained to condemn and to outlaw your Majesty, by a process which, if once adopted, might hereafter be used as a precedent for placing the life of every person in the realm, from the highest to the lowest, at the mercy of a few individuals ; to the utter subversion of the just prerogatives of the crown, and the fundamental liberties of the people.

" We are well assured that, in expressing our unfeigned detestation at the treatment your Majesty has received, as well as of the further proceedings professedly intended to be taken against your Majesty, we not only express the sentiments of the whole commons of these realms, but that in our most earnest wish, thus publicly expressed, that your Majesty may triumph over all your enemies, and long reside amongst us, ' the grace, the life, the ornament of society,' we shall be joined by our fellow subjects from one extremity of the nation to the other."

#### HER MAJESTY'S ANSWER TO THE WESTMINSTER ADDRESS.

Yesterday, at one o'clock, the High Bailiff of Westminster, with Sir F. Burdett and Mr Hobhouse, waited on her Majesty with the Westminster Address, to which her Majesty returned the following most gracious answer :

" I have addressed from the inhabitant householders of the city and liber-

ty of Westminster will be long treasured in my memory, as an indubitable proof of their regard, and a lasting claim upon my gratitude. The language of affection for my person, of devotion to my interest, and of zeal in my cause, which appears to issue from their hearts, has made a deep impression upon my own. In the feeling manner in which they mention her for whom the invisible sigh of grief will never cease in my maternal breast, I cannot be insensible to the homage which they pay to her memory, and to the solace which they offer to my regrets.

" It is now seven years since I received an address from the inhabitant householders of Westminster, in which they congratulated me upon my escape from what they truly described as a nefarious conspiracy against my honour and my life. Upon that occasion my character was exonerated from the load of calumny with which it had been oppressed, though my conduct had undergone only an *ex-parte* examination, and though I had no means of facing my accusers, or of being heard in my defence.

" The people of England then, almost universally, expressed their approbation of what they considered as the triumph of rectitude and innocence over perfidy and injustice. From that hour to the present, I have been the victim of a similar conspiracy, which has been incited by the same motives, and prosecuted with the same views, though with increased violence, and with aggravated malignity. New and more appalling efforts have been made to destroy that character which had resisted so many former attempts ; but I rejoice that I now find, as I at that time found, the people of Westminster uninfluenced by the powerful machinations of my enemies, and animated by the same sentiment which they then expressed, that every subject, until convicted of guilt, had an undoubted right.



to retain the reputation, the rights, and immunities of innocence.

"In the present perilous crisis of my fate, I am supported by that courage which arises from the consciousness of rectitude; and I feel that the English people will never suffer an injured Queen to appeal in vain either to their justice or to their humanity. I am convinced that in this land of liberty no oppression can be practised, and that to be upright is to be secure.

"In the warm desire which the people of Westminster have expressed for the conservation of my honour, they have exhibited a striking testimony of their loyalty to the King; for the honour of his Majesty must for ever be identified with that of his Queen.

"My first wish is to prove, that my character has been unjustly traduced; my next is to terminate my days among the high-minded people of this country, to whose affectionate sympathy I am at present indebted for so much of the cheerfulness which I feel, and of the support which I possess, under the pressure of such complicated wrongs, and such accumulated persecutions."

BY THE KING.

*A Proclamation for adjourning the solemnity of the Coronation of his Majesty.*

"G. R.—Whereas by our royal Proclamation, bearing date the 6th of May last, we did (amongst other things) publish and declare our royal intention to celebrate the solemnity of our royal Coronation, upon Tuesday, the 1st day of August next, at our palace, at Westminster; and whereas for divers weighty reasons, us thereunto moving, we have thought fit to adjourn the said solemnity until our royal will and pleasure shall be further signified thereon, we do by this our royal proclamation give notice thereof; and we do hereby further signify to all our loving subjects whom it may concern, that all

persons of what quality or rank soever they be, who either upon our letters to them directed, or by reason of their offices, or tenures, or otherwise, are to do any service at the time of such coronation, are discharged from their attendance, on Tuesday, the 1st day of August next.

Given at our court at Carllog-house, this 12th day of July 1820, and on the first year of our reign.

GOD SAVE THE KING.

GALWAY, July 17.—It is our painful duty this day to advert to the perpetration of a most malignant and atrocious outrage on an officer's party of the 49th regiment, by a numerous body of armed peasantry, on the night of Friday the 7th inst. at the Glebe-house of Clonfert, in this county. This offence exceeds in enormity any of those lately committed. The sentinel on his post was assailed by those miscreants, and knocked down by a stone, on which they deprived him of his arms and ammunition. He lay insensible for some time from the effects of the blows inflicted on him. They then attempted to force open the yard-gate of the house appropriated to the use of the military, but were repulsed; on which they renewed their assault on the sentinel, by placing a rope round his neck, with the intention, as they intimated, of hanging him on a tree adjacent to the place, as an example to the corps to which he belonged. This menace they, however, dispensed with putting into execution, but tendered an oath to him, and on his having resolutely declined taking it, a blunderbuss was discharged at him, the contents of which lodged in his left arm. The poor fellow's arm, we understand, having threatened a mortification, it was deemed indispensably necessary to have it amputated. He sustained serious other damage from the blows he received; and we cannot too much admire the courage evinced by him in having resisted

taking the oath, notwithstanding the intimidation made use of by these deluded wretches to induce him to do so.

By a return to parliament, from the Horse-guards, of the number of officers who have been appointed from the half-pay to full-pay, upon vacancies in the army, and not by exchange, since the 31st of December, 1815, it appears that the total numbers are as follow :  
Colonels, . . 12 Ensigns, . . 51  
Lieut.-colonels, 33. Paymasters, 11  
Majors, . . 11 Surgeons, . . 26  
Captains, . . 48 Assistant-sur-  
Lieutenants, 157. . . . . 59

By a similar return, it appears that the number of gentlemen who have been appointed to commissions in regiments of cavalry and infantry of the line, from the 26th January, 1819, to 25th January, 1820, has been 182. Of these, 40 were gentlemen cadets from the Royal Military College, of whom nine obtained their appointment by purchase, and 31 without purchase. Of the remaining 142, there were 69 by purchase, and 73 without purchase.

The following return has also been made of the number of gentlemen who have been appointed to commissions in the line since the 14th of March, 1819, and who have subsequently been placed upon half-pay :—

Purchasers of half-pay commissions, vacant at the period of the reduction of the corps, or its establishment, . . . . .	5
Riding-masters of cavalry, to make them eligible as such, they having been non-commissioned officers of cavalry, . . . . .	2
At his own request, he having affairs of the utmost consequence, which prevented his embarking for the East Indies, . . . . .	1
At his own request, for the restoration of his health, and the prosecution of his studies, . . . . .	1
An old quarter-master, for the	

purpose of appointing an efficient successor, as such, at the earnest recommendation of General Sir Robert Brownrigg, Bart. G.C.B. and Commander of the forces at Ceylon, . . . . . 1

#### EXECUTION OF NESBETT.

*Maidstone, Monday, July 31.*

This wretched criminal surrendered his life to-day to the outraged laws of his country.

It is gratifying to know, that in the interval which elapsed between his condemnation and his execution, a considerable change took place in his frame of mind and general deportment. On leaving the court on Friday last, after receiving sentence, he evinced the same levity, the same hardened ferocity of disposition, that had marked his conduct during his confinement before the trial. So insensible was he of his awful situation, that on being placed in the cart which was to convey him back from the court-house to the gaol, feeling himself annoyed by the gaze of the spectators, he exclaimed in a peevish and surly tone of voice to the turnkey who had charge of the cart, "Drive away like hell, and let's get out of this as quickly as possible!" But when replaced in his cell, and allowed an opportunity of reflecting quietly on his fate, he found it impossible to retain that indifference which he had hitherto assumed. He became restless and agitated, but still he evinced no symptoms of contrition. He had called for a pipe of tobacco, and, on a refusal, he repeated the request in so urgent a manner, that the suspicions of his attendants were aroused. They accordingly began to examine the cell in the first place, and in one of the corners they discovered the handle of the sauce-pan in which his victuals were usually brought to him. The

\* \* Both gentlemen cadets, appointed from the Royal Military College.

tin tube forming the handle of the pan had been taken off, and was perforated near the lower end; and this instrument was immediately suspected to have been constructed by the prisoner as a rude though certainly an ingenious, substitute for a pistol. His person was instantly searched, when he thrust into the hand of the turnkey a quantity of gunpowder, wrapped up in a paper, and a couple of marbles, which had been intended to supply the place of bullets. Various conjectures have been made as to the manner in which he was supplied with the powder and marbles; a very general suspicion attaches to his mother, who had seen him a short time previous to his trial. It is most probable, however, that the articles were conveyed to him by some person in the court, while he stood in the dock. Those who have had the best means of knowing the character of the parties certainly favour the former supposition; and if outward appearances formed a just criterion of moral character, one would be justified in concluding that the mother was a person capable of such an act. She is a woman of almost gigantic tallness; of a perfectly upright figure, though apparently more than 70 years of age; her features are sharp, haggard, and of a peculiarly unamiable expression. Upon the whole, her appearance irresistibly forces on the mind the portrait which the author of *Guy Raverel* has drawn of that wild and almost supernatural being *Meg Merrilees*.

In consequence of this attempt to destroy himself, Nesbitt was stripped of the dress which he had hitherto worn, with the exception of his shirt and stockings; and on being conveyed on the same evening to the condemned cell, he was furnished with a prison dress, and heavily ironed. During Friday night he was extremely agita-

ted, and was unable to sleep. In that state he continued during Saturday, and the greater part of Sunday. He joined in prayer with the Rev. Mr Harker, the chaplain of the gaol, and professed to be sincere in his devotions; but still he persisted in denying that he committed the murder for which he was to suffer. About six o'clock on Sunday evening his wife and children arrived from Woolwich to take leave of him. The interview was distressing beyond description, and on this occasion he evinced a greater degree of feeling than he had previously shewn. He wept much on embracing them; and when his wife implored him not to die with a falsehood on his lips, he promised to reveal the whole of his guilt before he died. His family consists of four daughters and two sons; the eldest about 18 years, and the youngest only 16 months old.

After his family had taken leave of him, he made a full confession of his guilt. Some of the particulars which he communicated are said to be very important, and the whole of his statement is, for the present, kept strictly secret. Various rumours are, of course, in circulation respecting the nature of his confession, to which it would be equally improper to give publicity, whether they be ill or well founded.

After his mind had been disburdened of the load of guilt which had pressed so heavily on it, he became more composed, and joined in the exercises of devotion with more fixed attention, and apparently with a greater degree of intelligence, than he had hitherto evinced. On Sunday night he slept for more than two hours; and this morning he was more tranquil than usual. The Rev. Mr Harker, whose humane exertions in administering to him the consolations of religion have all along been unremitted, attended him at six o'clock, and remained with him till

eight. He returned again at nine o'clock, to assist him in preparing for the last awful trial of his fortitude.

At a quarter past eleven the unhappy culprit was placed in a waggon, to be drawn to the place of execution, on Pennenden-heath, about a mile from Maidstone gaol. The procession moved slowly towards the heath, the criminal frequently turning up his eyes to heaven and ejaculating, "O Lord, have mercy upon me! Christ, have mercy upon me!" About 100 yards from the prison-gate, his mother caught his eye in the crowd. He did not appear to be much moved at seeing her, but bent his head towards one of the officers who sat before him, and said, "Mind, tell Mr Bowen to do something for my family." The procession arrived at the place of execution about ten minutes before 12, and the waggon was drawn up along the side of the scaffold. The chaplain then joined the criminal in prayer, and the stillest silence pervaded the immense crowd, who stood uncovered while the service was reading. The criminal, who had knelt down by Mr Harker's side, joined in the prayers with as much fervour as his agitation would permit.

About five minutes after 12 o'clock the fatal signal was given. He did not seem to suffer more than one minute. The body, after hanging the usual time, was cut down, and conveyed in a shell to Messrs Day and Watman's, to be anatomized, pursuant to his sentence.

Previously to his trial, Nesbett had prepared the following declaration, in his own hand-writing, to be delivered to Mr Hay, the barrack-master of Woolwich:—

"Maidstone, the 24th July, 1820.

"This is the truth, as I have God to meet in the next world, let me be Gilty or Not, no one of my family, father or mother, wife or Childern or any Relation of mine, knows whether

I am Gilty or Not of the Crime that is laid to my Charge, that is the murder of Mr Parker and his House keepr, or any other part of that Crime that is laid to my Charge, or any other Crime that is laid to me, as God has my soul in his Charge this Day to try my Gilt that is the truth, and I hope no one will Cast it up to my wife or Childer, for the Do not Deservit. I sine this to be truth,

"JAMES NESBET."

## AUGUST.

The Rev. William Gillespie, minister of Kells, has published a discourse, under circumstances that may well be deemed extraordinary. This reverend gentleman has for some years acted as chaplain to the Stewartry Yeomanry, and on Sunday the 30th July, he preached before the corps, which was then assembled at Kirkcudbright, one of the most loyal and patriotic discourses ever delivered from a pulpit. In his prayer, however, after many petitions in behalf of his Majesty, he added the words, "Bless also the Queen;" and for this he was placed under military arrest by his commanding officer, Colonel Gordon, who is also Sheriff of the Stewartry of Kirkcudbright. This proceeding excited a strong feeling of surprise—particularly among the members of the Presbytery of Kirkcudbright, who are no strangers to the soundness of Mr Gillespie's political principles, and who are themselves in the general practice of praying for her Majesty.

Another singular circumstance, with which the above mentioned proceeding appears connected, took place on the 16th July. The parish of Cross-michael being vacant, the Rev. Mr Jeffrey of Girthon was on that day appointed to preach; and on that occa-

sion, as was his constant practice, he prayed for the Queen. Sir Alexander Gordon, Stewart-Depute, and his son, Mr James Gordon, Sheriff of the Stewartry, were present, and, after service, requested Mr Jeffrey to convene a meeting of the kirk-session, which he did accordingly; when Mr James Gordon proposed a resolution that no minister appointed to preach in that parish, during the vacancy, should pray in express words for the Queen. Sir Alexander Gordon and Mr Jeffrey being the only persons present, besides the mover, the resolution was of course carried; Mr Jeffrey protesting, and appealing to the Presbytery.

The Presbytery, on the 2d August, ordered the resolution in question to be erased from the session book of Crossmichael. At the same time they took into consideration the case of Mr Gillespie's arrest by Colonel Gordon for praying for the Queen, when they unanimously agreed that the chaplain of the corps had done nothing to merit such treatment, and came to the resolution of laying the commandant's conduct before the next General Assembly of the Church of Scotland.

However, on the 6th instant, Sir Alexander Gordon and his son appeared at the bar of the Presbytery, and having there stated, that, in obedience to the judgment of the Presbytery of the 2d of August, they had erased from the records of the kirk-session the minute in which the obnoxious resolution in question was contained, and declared that they had no intention of infringing on the rights of the church, however in appearance they had seemed to do so, and in the amplest manner apologized for their conduct, the Presbytery were pleased to accept their apology, and agreed to sist all further procedure in the business.

—The John transport has arrived at Portsmouth from the Cape of Good

Hope. The John took out 600 settlers for Algoa-bay, principally from Lancashire. The passengers were severely attacked with the measles on the voyage out, but, from the great attention paid them, they soon recovered from its effects.

By the John the following letter has been received from one of the settlers who went out:—

“My Dear Friend,—Accept a hurried statement of our situation, as far as I have experienced it. We arrived at Algoa-bay, after a tedious passage from England, during which we experienced sufficient proofs of the very excellent arrangements of the government for our comfort. I have been up the country as far as Graham's town, and a more delightful one cannot be expressed. The first landing at Algoa-bay is a little unpleasant, occasioned by a continual surf; but, once landed, your greatest difficulty is over. You then apply to the proper officer, who has a surveyed government plan before him of the intended settlement, marked out in lots, of from 100 to 10,000 acres. Especial care is taken that every lot has a good spring of water, and well wooded. You are then asked the number of followers you have, each being allowed 100 acres.—This being ascertained, the quantity of land you want is sought for on the government map, without any partiality. An authority is then given you to take possession. Too much praise cannot be given to the governor for those arrangements. If you have not brought waggons, they can be procured of the boors, with a team of oxen, and off you set. The settlement is about 190 miles from the sea. You pass a good Dutch farm every 15 or 20 miles. The government sell you a good tent for two guineas, which you set up every night, make a blazing fire, and, surrounded by your team, sleep in the greatest safety. We

found on our arrival many respectable families already housed. One gentleman, who brought out an iron roof, was housed with all his family, in three days and nights, by lodging his roof on stumps of trees, plastering up the sides, and giving it a good white-washing, which had a most comfortable and novel effect. The climate here is so good, that you have four crops a-year. By way of experiment we planted some potatoes just after a rain, and they appeared in three days. The road up to the settlement is very good, and excellent pasturage everywhere for your cattle; plenty of water and timber. Tell Tom to be sure to bring out a waggon; as also some vine slips of the best kind, which are scarce. Tobacco will grow here very well. About 3000 of us have arrived."

30th.—GLASGOW.—The sentence against James Wilson was this day carried into execution. The Magistrates entered the Court-hall a few minutes before two o'clock. Some minutes after Wilson entered the hall.—His arms were pinioned, and he was dressed in white, edged with black.—An address was delivered by the Rev. Mr Ewing, and Dr Dewar prayed. At three o'clock, the prisoner was conducted to the south side of the jail. He, along with the person who was to decapitate, was placed in a hurdle, and drawn to the steps leading to the drop. As soon as Wilson ascended the drop, the crowd cheered him, crying "Murder, murder!" Not more than three minutes elapsed from the time Wilson entered the hurdle until the drop fell. He died with difficulty, and after he had hung about twenty minutes, blood was seen on the cap, opposite the ears.

At twenty-five minutes past three o'clock, the body was placed in a position for having the operation of decapitation performed. An awful pause now ensued; but at length the person who was to decapitate ascended the

steps. He was low in stature, and apparently young. He was masked, had on a hairy cap, and a large black cloak. He carried in his left hand an axe, with a circular edge. He was greeted with hisses and yells. He proceeded in the calmest manner to the body, and felt the neck. He deliberately lifted the instrument, and with one blow separated the head from the body. He instantly lifted up the head with both hands, and held it up to the crowd. The features were pale and ghastly, and the blood fell in streams. The expression of horror from the crowd was so loud, that it could not be known that the decapitator said any thing when he exhibited the head. That part of the sentence which related to quartering, was remitted by order of his Majesty's government.

The crowd, which was immensely large, dispersed peaceably.

Wilson was an old man. He was greyhaired, and was partly bald. He moved more like a machine than a human being, and appeared to be completely passive. His character was that of a weak-minded man, more fond of shooting game than following his trade. Great exertion was used to obtain the royal clemency, to which he had been recommended.

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## SEPTEMBER.

7th.—A public meeting was held yesterday, at the Crown and Anchor, for the purpose of receiving the report of the committee appointed to regulate the subscriptions for presenting to her Majesty a service of plate.

The room was numerously filled with well-dressed ladies and gentlemen by two o'clock, at which hour Sir G. Noel and the other gentlemen who

formed the committee, entered it amid the acclamations of the company assembled.

Sir G. Noel was in the chair.

Mr C. Pearson read the report, which was of considerable length. It stated that the framers of it had assembled on the 23d of August last, at the Crown and Anchor Tavern, and had then passed several resolutions, which it recited, for the purpose of opening a subscription to procure for her Majesty a service of plate suited to her rank as Queen of England, and to the generous feelings which the people felt towards her; that they had requested Mr Alderman Wood to act as their treasurer, and Mr C. Pearson as their secretary, which those gentlemen had undertaken to do; that, though their numbers had originally consisted of only 20 members, it now consisted of 80; that the subscription was not to be confined to the inhabitants of England only, but was to be extended to those of Ireland and Scotland. (Cheers.)

Well knowing the influence of virtuous women upon society, they invited the ladies to co-operate with them in their designs; that no person was permitted to subscribe more than 1s. in order to give all classes of the community an opportunity of evincing their respect to her Majesty; and that those who were able to subscribe more were desired to recollect that they had servants and children, who by their liberality might be enabled to add their mite to those of their fellow-countrymen. This report was then approved; after which Messrs Const, Clarke, Thelwall, Bowic, Wooller, and Flanagan, then proposed several resolutions, tending to promote the object for which the meeting was called; after which,

Mr Murphy proposed that the following noblemen and gentlemen be requested to accept the office of trustees for the purpose of this subscription, and that the committee be empowered to add to their numbers. The names

of the gentlemen proposed were as follow:—Sir G. Noel, M. P.; Duke of Leinster; Earl of Oxford; M. Wood, Esq. M. P.; Hon. D. Kinnaid; P. Moore, Esq. M. P.; J. Hume, Esq. M. P.; Ald. Thorp; Ald. Waithman; Major J. Williams; Lord W. Fitzgerald, M. P.; Gen. Sir R. Wilson, M. P.; Sir F. Burdett, M. P.; John C. Hobhouse, Esq. M. P.; Ch. Calvert, Esq. M. P.; Ed. Ellice, Esq. M. P.; Sir J. Newport, M. P.; Sir H. Parnell, M. P.—The motion was put and carried unanimously.

Thanks were then moved and carried to Alderman Wood, and also to Mr C. Pearson, the Rev. R. Hayes, and Dr. Gilchrist, for their exertions in behalf of the object of this meeting.

8th.—STIRLING.—EXECUTION OF HARDIE AND BAIRD.—During last night the usual apparatus was erected in front of the stair leading to the Town-house, and in the morning exhibited two decently ornamented coffins on the platform, with a dark-coloured wooden block.

About 12 o'clock two troops of the Dragoon Guards entered the esplanade before the Castle, and formed a wide semicircle in front of the draw-bridge. Within this a party of the 13th foot drew up. The crowd collected on the esplanade was inconsiderable. At a quarter to one o'clock the Sheriff and Magistrates left the Town-hall in procession, and walked to the Castle to receive the prisoners. Immediately on their arrival the gates of the Castle were thrown open, and Baird and Hardie appeared, attended by the authorities of the garrison and the established clergymen of the town. Baird looked pale and thoughtful; Hardie's countenance did not seem much altered. With astonishing calmness they bade an affectionate farewell to the officers of the corps in the Castle, and expressed warmly their gratitude for the indulgence they had experienced during their confinement. They both

surveyed the ignominious preparation for their removal with dignity, and were kindly assisted to their seat on the hurdle by the clergymen. The headsmen in the mask, who decapitated Wilson at Glasgow, took his seat on the hurdle opposite the two victims, with his hatchet resting on his thigh. As he entered, a slight expression of contempt marked the features of Hardie. Baird was busy with a Bible, and spoke a few words to the clergyman next him. The cavalcade began to move down the esplanade, and the prisoners united in singing a psalm till they reached the bottom of the scaffold. Hardie stepped out of the hurdle, and looked up to the drop without the slightest trace of discomposure. They walked into the court-room, each resting on the arm of a clergyman.— With great apparent earnestness they joined in the religious devotions, which lasted till twenty-five minutes past two, when their arms were bound, and they walked with a firm step and elevated mien to the drop. They were followed by the civil authorities and the clergymen. Baird advanced to the railing, and bowed gracefully; a smile was on his countenance, and he expressed a wish to be heard. Silence being obtained, with a loud unfaltering voice, he recommended to the understandings and lives of his hearers the doctrines and precepts of Christianity. We caught, “Oh! I entreat of you, notice your Bibles, and conduct yourselves soberly; mind religion at all times; but be not regardless of justice and reason on every subject.” He then maintained his strong attachment to the cause in which he had been merely imprudent, and declared himself pure in his political purposes. He rejoiced in the knowledge he had obtained of a Saviour, who had likewise suffered innocently; and spoke gratefully of the clerical aid he had enjoyed. During his address he gesticula-

ted violently, turning round in all directions. Hardie, at the commencement of it, sat calmly down on the block, and in rising up paid his respects to an acquaintance whom he saw in the crowd. He then spoke with equal freedom, but less distinctness, and seemed less subdued in spirit. His political conduct appeared uppermost in his thoughts; and the crowd could only hear him say, “I die a martyr to the cause of liberty, truth, and justice.” This seemed to operate like a charm on the hitherto sad multitude, and was greeted by three vehement cheers. He was interrupted by the cheering and a tap on the shoulder by the sheriff, to whom he turned round, and replied to whatever had been said to him. He then resumed his address, changing the subject to an expression of his religious feelings. The executioner having prepared Baird during the address of Hardie, they were soon both ready to be launched. Having both joined in the prayer of a clergyman behind them, Baird spoke something towards the spectators through his cap, and dropped the signal. They died almost without a struggle.

After hanging half an hour, Calder, the sheriff's officer, came forward and caught the bodies alternately, whilst the hangman cut them down. They then placed them on the scaffold, and Calder having bared the neck to the shoulders, cutting open the coat and vest, the decapitator came forward amid execrations, hisses, and shouts of “Murder!” One blow aimed at the first neck he engaged failed to sever the head; and a second, with mangling, scarcely effected it. He held it up; it seemed to be that of Hardie, swollen and livid, but placid. The blood trickled down; the usual proclamation was feebly pronounced, having to come through the crape mask of the headsmen. The cries of “Butchery! Ruffian!” were general, but seemed to



make no impression on the operator, who advanced to the next, and was equally unfortunate in his odious work. The mangling horrified the spectators; the head was proclaimed; and the decapitator quickly retreated, amid loudly expressed disapprobation.

To the credit of the humanity of the inhabitants of this place, very few attended the execution. The crowd seemed almost entirely composed of people from the country, this being the market-day. Females of any respectability there seemed none; and scarcely any spectators occupied the neighbouring windows.

10th.—EDINBURGH:—This afternoon, about four o'clock, a melancholy occurrence took place off Portobello. A party of fifteen persons, including two boys (the one about 15, and the other six years of age) and a girl, about 15, left Portobello on a pleasure sail to Inchkeith. On their return, when about a mile and a half from land, the boat suddenly upset, and the whole of the party were immersed in the dangerous element, and, melancholy to relate, five persons unfortunately perished.—Those who did not immediately sink clung to the boat, which as suddenly turned over again, and thus, by a flap of the sail, the strugglers were deprived of their hold, and in a worse situation than before. One person was struck so violently as to be driven to the bottom; on again reaching the surface he looked anxiously for the youngest boy, who was under his care, and seeing his leather cap at a considerable distance, he swam to it and recovered the child, with whom he returned to the boat, and, with the assistance of another person, succeeded in replacing him on it as often as he lost his hold. That other person also endeavoured to assist one of the party who could not swim, (John Haxton,) but who entreated him to save his daughter, in which the humane individual succeeded. A coal

sloop was lying nearer to the shore, a boat from which promptly put off, and, with the assistance of others, fortunately picked up the survivors. The cause of the disaster is not precisely known, but the fact we understand to be, that the lee side of the boat was almost gunnel-to, and a light gust of wind causing the sail to dip in the water, it instantly upset.

20th.—The following is a list of places from which addresses have already been presented to the Queen, with the numbers (where known) by which they were signed:—Aldersgate; Alston, 200; Aylesbury, 500; Barnard Castle, 600; Bath, two, one by ladies; Bethnal Green, 700; Bolton, 6200; Bridport; Bristol, (ladies) 11050. British seamen in Middlesex, 5600; Camberwell; Castle Donnington, 520; Carlisle; Clippenham; Clerkenwell, 2050; Cripplegate-without; Derby, 4300; Dover; Edinburgh, (ladies) 8421; Exeter, 11,000, (ladies) 9000; Gloucester, 1700; Gospel-church, Poetsca, 1000; Haddington, 150; Halifax, 3600, (ladies) 3700; Hammersmith; Hereford, (young men); Hexham, 700; High Wycombe, 400; Hampton and Grately, 90; Litchfield; Leicester militia (privates) 300; Liverpool, 30,000; London (married ladies) 8500; Ludlow, 660; Mary-le-bone, 7500, (married ladies) 8700; mechanics of London, 29,500; Morpeth, 264; Newcastle-upon-Tyne, 3800; North Shields, 1250; Nottingham, 7100; (ladies) 7800; Poole, 800; Preston, 2300; Reading, 2000; Ross, Sandwich, 480; Shaftsbury, Sheffield, 4600; (ladies) 11,000; Stockport, 3600; St Sidwell, St Stephens, (by Summerston) 400; Sunderland; trades and artificers of Northampton, 1600; Wakefield, 1440; Whitechapel, 4000; Worcester; Bedford (signed by the Mayor); Berwick-upon-Tweed (Mayor, City, Lord Mayor, and Common Council); City, (Lord Mayor and Livery); Dalkeith,

(Hammerman Society;) Greenwich, (Vestry;) Ilchester, (High Bailiff;) Leeds, (ladies;) Montrose, (Prowost;) Newbury, (Mayor;) Norwich, (Al-dermess;) St Leonard's parish; Shore-ditch; (Churchwardens), Westminster Livery, (High Bailiff;) York, (Mayor.)

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## OCTOBER.

7th.—A poor illiterate boy, who could not read, was taken to Bow-street Police-office, London, charged with distributing handbills of a seditious and treasonable tendency, in the neighbourhood of the House of Lords. They had been given him, he said, by a gentleman, who paid him a shilling, and promised to reward him liberally. The bills purported to come from the Queen's Plate Committee—Mr Pearson attended, and said that he believed what the prisoner had stated was true, and that he had been in pursuit of the said gentleman these three days, and begged that the matter might stand over till next day. On Sunday Mr Pearson, with a Bow-street officer, traced the gentleman (named Franklin or Fletcher) to his residence near London, and brought him a prisoner to the office, from which he was allowed by the Magistrate, Sir R. Baker, to depart without bail, upon an assurance of another gentleman, Mr Williams, that he was a respectable man, and would attend to answer the charge on Monday. Mr Franklin, however, failed to appear; and upon sending to his house, it appeared that he had fled through the night. Mr Pearson then boldly stated that this gentleman was a man of independent fortune, and had a son an officer in the Guards; that he had gone on in this course of distributing, at great expence and trouble, seditious and treasonable placards gra-

tuitously, by hundreds of thousands, for a period of three years, which placards had been imputed to the disaffection of the people; and that he had done all this under the protection, and by the authority of government. Mr Pearson said he had evidence to prove these charges, and obtained a warrant to apprehend Mr Franklin.—He afterwards applied to Lord Sidmouth, to exert the authority of his department, to prevent the delinquent from escaping from the country; but his Lordship, after examining into the matter, replied that he saw no reason for his interference. It has since been learned, that Franklin has fled to France; and Mr Pearson, with Vickery, the Bow-street officer, have gone there in pursuit.

9th.—This being the day appointed by her Majesty the Queen for the reception of a number of addresses, the road from Hyde-park corner to Hammersmith was at an early hour thronged by vast bodies of persons, who were on their way to Brandenburg-house to pay their homage to the Queen. At twelve o'clock upwards of 200 carriages, some with six horses, and the greater part with four, the postillions fancifully dressed, had passed Hyde-park-corner, filled by ladies and gentlemen, deputed from several parts of the metropolis and the country to present to the Queen addresses of congratulation.

The following were the addresses presented by appointment to her Majesty yesterday:—From Ely-place Liberty, Holborn, Croydon, Wandsworth, St Ann's (Limehouse), Farringdon-within, Portsoken Ward, Horsleydown, Christ-church (Surrey), Winchester, Oxford, St Ive's, Hereford, Stockton-on-Tees, Cardiff, Leicester, North Petherton, Taunton, Truro, Sedgely, Colebrook, Milford, Surrey, Kendal, Ambleside, Kirby-Lonsdale, Milnthrop, the letter-press

printers, Evesham, Manchester, Hinckley, Leeds, Glasgow, United Guildries of Perth, Banff, St John's (Southwark), and Coventry.

The first address which arrived at Brandenburgh was that from the inhabitants of the parish of St Abbot's, Kensington. The procession consisted of 42 carriages and chiefly filled with ladies. They were elegantly dressed in white, and wore her Majesty's medals suspended from their necklaces. The address was under the immediate care of Mr Samuel Whitbread, M. P., Sir Gerard Noel, Bart. M. P., Mr Peter Moore, M. P., Mr Hume, M. P., and several other independent gentlemen. The deputation had the honour of being introduced to her Majesty at a quarter past one o'clock.

Mr Whitbread read the address, to which her Majesty returned a most gracious answer.

Mr Hume then presented the addresses from Glasgow (signed by 37,000 persons), that from the United Guildries of Perth, and from Banff, to all of which her Majesty was pleased to return gracious answers.

Mr Whitbread also presented an address, very numerously signed, from Totness, in Devonshire.

Major Cartwright, who appeared in the full regimental uniform of the Nottingham militia, of which he was once major, presented the address from the ladies of Manchester, and from the inhabitants of Leeds and Hinckley, in Leicestershire. To all of these her Majesty was pleased to return the most gracious answers.

Mr Brougham, M. P., presented the Evesham address, and Mr Jacobs that from Taunton.

At half past two o'clock the deputation from the Ward of Portsoken arrived. The gentlemen who composed it filled 35 coaches and four; the postillions were in new pink dresses with white hats and cockades. In the first

carriage was Sir James Shaw, Bart. the Alderman of the Ward, with his Deputy. The gentlemen of the deputation, on presenting their address, were honoured with a most gracious reception, and, succeeded by their worthy Alderman and his Deputy, had the honour of kissing hands as they passed her Majesty.

At three o'clock the procession of the several Benefit Societies of the metropolis arrived. There were more than 4000 persons in this procession. They appeared to be chiefly artisans and mechanics, and their whole appearance and demeanour did them the highest credit. This procession was accompanied by an immense concourse of people, who, by their cheers, evidently partook of the enthusiasm. The Benefit Societies were preceded by a large body of their officers with staves, they were accompanied by several bands of music; and at the head of each society, the stewards and flags were arranged.

The next procession was that of St Ann's, Limehouse, consisting of ladies and gentlemen, wearing white favours, in open landaus and four; the postillions dressed in crimson jackets.

The gentlemen deputed from Coventry next appeared, to present her Majesty with some pieces of an elegant new-manufactured riband; the colour, Queen's purple, on scarlet ground, combining in its texture the fabrics of sarsnet and damask satin, on which the Crown appeared beautifully wrought, and the initials "C. R." Mr Thorpe and Mr Morrison were introduced to her Majesty's presence by Sir William Gell; when Mr Thorpe presented the riband, and addressed her Majesty.

Her Majesty had the condescension to accept the present, and return a most gracious answer.

The next deputation was that from the Ward of Farringdon-within, con-

ducted by its ward-deputy. It was preceded by a gentleman on horseback, carrying a blue flag adorned with the star of Brunswick, followed by eighteen open landaus and four, each containing six gentlemen wearing white favours. The postilions wore light-blue jackets, with favours in their caps. The horses' heads and manes were decorated with rosettes of white riband.

As this procession was on its way, to Brandenburg-house, it was agreeably surprised to find Lord John Russell at its head. His lordship, in full court dress, was making progress on the road to Brandenburg-house, to present an address to her Majesty; and, being observed to be at the bottom of the procession by a gentleman on horseback, who made the circumstance known to Mr Deputy Pindar, and other gentlemen who led the procession, they all, on receiving the intimation, instantly despatched a messenger, requesting his lordship to take precedence, which was complied with, to the universal satisfaction of the multitude.

Lord John Russell presented an Address from Taunton. His lordship was honoured with a most gracious reception.

The deputation from the parish of Christ-church, Surrey, followed. It was conducted by Mr Chatfield, in his private carriage, with four horses, and consisted, besides the conveyances of the parish officers, of three open landaus, drawn by six grey horses each, in which were the mover and seconder of the address to her Majesty, and the committee who prepared it; A trumpeter on horseback, dressed in the costume of a Yeoman of the Guard:

A most beautiful white satin flag, on which was inscribed in gold letters,

"The Parish of Christ-church Address to the Queen."

This flag was carried by a man mounted on a cream-coloured charger. A full band of music. Twenty-three open carriages, drawn by four horses each, in which were the gentlemen of the deputation, accompanied by their ladies; among them were observed two Quaker families. The ladies in general were dressed with great elegance, and the Quaker ladies with great neatness. The procession closed with three other carriages, drawn by two horses each.

The address was read by the Rev. Mr Tid, and received by the Queen with her usual condescension and affability. Her Majesty returned a most gracious answer.

It was nearly dark when the Letterpress Printers of the metropolis arrived. The procession consisted of a very numerous body of persons of that trade in this great metropolis.

Her Majesty bore the fatigue of standing so long with great composure, and repeatedly conversed, throughout the day, with Lady A. Hamilton and the Hon. Mrs Damer, upon the gratifying sight which the grounds around presented, thronged as they were with so large a portion of the population of this great city. At no period during the day was there a smaller number than 10,000 persons within the avenues of Brandenburg-house; they repeatedly hailed their Queen with the most enthusiastic demonstrations of their attachment.

11. Thomas Warren, turnkey of the jail of Dumfries, was inhumanly murdered by David Haggart, one of the prisoners. David Haggart contrived to secrete in his cell a large stone; this he put into a bag, and when Warren was leaving the cell, after having brought the daily allowance of food, Haggart struck him on the head with the stone in the bag, which felled him to the ground, and then the wretch made his escape from prison. Warren was soon after dis-

covered by one of the turnkeys; he was quite senseless; the blood had flowed copiously from his head, which was lacerated in the most frightful manner. He was immediately conveyed to bed, and a surgeon sent for, who, upon examining the wound, found the skull very much fractured: the unfortunate man died about ten o'clock, on the Wednesday night, having endured the greatest agony during the day.

*Brandenburgh-house, Wednesday,  
October 25th.*

Mr K. Craven and Sir William Gell, vice-chamberlains to the Queen, are commanded to announce, that, in consequence of the lateness of the season and the probable approach of wet weather, her Majesty wishes to decline receiving any future addresses in person after Monday next, the 30th instant. It is nevertheless to be understood that her Majesty by no means intends to exclude the presentation of such addresses as may be at this moment in preparation, and which, if not ready by Monday, her Majesty will receive and answer without the ceremony of a formal deputation.

*October 27th.*

Yesterday, at one o'clock, in consequence of an invitation from her Majesty, Prince Leopold, attended by Colonel Addenbroke, visited the Queen at Brandenburgh-house, Hammer-smith, and remained with her Majesty about an hour. Prince Leopold afterwards returned to Claremont.—*Morning-Post.*

We have given the different accounts which have appeared in the papers of this morning, as to the visit of Prince Leopold of Saxe-Coburg to her Majesty yesterday. The Court Circular attempts to convey an impression that this visit of his Royal Highness is to be attributed to the sudden indisposition of her Majesty,

and that the circumstance of its having occurred immediately after the close of her Majesty's case was purely accidental. We can state, upon authority, that this is entirely incorrect. His Royal Highness called to pay his respects to her Majesty; but, from the unexpected nature of his visit, her Majesty was not in a state then to receive him; but soon after sent a letter to Prince Leopold, to appoint one o'clock this day for an interview.—*Traveller.*

30.—The following is a list of the addresses presented yesterday to her Majesty.—

Margate,  
Islington,  
Coopers,  
Youths of the Metropolis,  
Leather-dressers,  
Brass-founders,  
Wokingham,  
Silver Trade,  
Paper-hangers,  
Brick-layers,  
West and East Coker,  
Monmouth,  
New Mills,

Weavers of Newbury,  
Ditchling, Sussex,  
Lawyers' Clerks,  
Odd Fellows,  
Sidmouth,  
Arundel,  
Pontypool,  
Chichester,  
Wigton,  
Cabinet-makers,  
Lymington,  
Maidstone.

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## NOVEMBER.

9th.—FIRE IN DRURY-LANE.—This populous neighbourhood was thrown into much confusion, yesterday evening, by a fire which broke out in Mr Glazier's timber-yard, just above the burial-ground, in Drury Lane. A more dangerous spot for the occurrence of such an accident could scarcely be pointed out. The premises stand within fifty yards of the two theatres, and are bounded on three sides by the narrow courts and alleys, which meander in

such beautiful irregularity between Bow-street and Drury-lane, *pour comble de bonheur*. The alarm was given about half past five in the afternoon, and a great number of worthy persons, who had been amusing themselves with the Lord Mayor's show, embraced so favourable an opportunity of finishing their evening. In about a quarter of an hour the engines of the different companies began to arrive, but they were unable to penetrate the solid mass of mob which was collected. The firemen literally fought their way; but it was almost doubtful whether they would be enabled to act, when the military destined to guard the theatre came up, and did good service by removing the idlers. Covent-garden theatre was in a situation of great risk. It was exposed, during an hour and a half, to a heavy shower of burning materials. No water was obtained until near seven o'clock. The timber burned furiously; and the wind, which just then freshened from the eastward, carried flakes of fire, and pieces of lighted wood, as far as Leicester-square. The servants of the theatre, however, exerted themselves with great alacrity, and no mischief occurred. The loss has been considerable. The timber-yard (insured, we understand, with the County-office) is, with its contents, entirely destroyed; and ten houses adjoining the rear of the premises, and fronting into Duke's-court, Crown-court, and Martlett-court, are materially damaged. Fortunately, no one sustained any personal injury.

The doors of Covent-garden, as well as those of Drury-lane theatre, remained closed some time after their usual hour of opening:—a measure of some prudence; for the absence of such a precaution might have produced an audience more numerous than profitable. About half past seven the

fury of the flames began to abate; and, by the united exertions of soldiers and constables, the defiles of Bow-street and Little Russel-street were rendered practicable. Business then proceeded in the ordinary manner; but the houses were thinly attended.

11th.—This evening, London was illuminated to a great extent, in celebration of the abandonment of the Bill of Pains and Penalties against her Majesty.

The illumination in Piccadilly, and in the streets and squares south of that thoroughfare, did not become general until nine o'clock. Bond-street was brilliant early in the evening, and the mansions of the Duke of Devonshire, Lord George Cavendish, Mr Coutts, and many other persons of fortune and situation, bore ample testimony of the principles of their proprietors; nor were the great hotels backward in the expression of their opinions; but some of the inhabitants of Brook-street, Grosvenor-street, Mount-street, Grosvenor-square, and the vicinity, were tardy in their measures; some wasted their time in preparation—some were unprepared altogether—and some waited for the example of their neighbours. Before ten o'clock, however, a considerable crowd assembled, and proceeded to appeal with much vigour, occasionally to the feelings, and occasionally to the windows, of the sluggish. Apsley-house was "*a la mort*," and C— Palace was enveloped in gloom. In Hamilton-palace there were, we think, less lamps than usual; but the Duke of Gloucester and the Princess Sophia, by the splendour of their flambeaux, made visible the darkness of the few disloyal who dwelt near them. It would be tedious to describe the state of each several street: generally speaking, the illumination was, in this part of the town, unequal. In some streets the

blaze was universal ; in others a single light.

The whole northern side of Oxford-street and Cavendish square, and particularly Welbeck-street, Wigmore-street, and Harley-street, were more brilliantly than generally illuminated. In Manchester-square, but two houses exhibited any signs of illumination ; the Marchioness of Hertford's was not one of them. The noble residence of Earl Grey, in Portman-square, and several other beautiful mansions in its vicinity, were superbly decorated with every species of lights. Hynde street, Berkeley street, Mount street, Grosvenor square, and Lower Brook street, all displayed the same manifestations of regard for her Majesty. In Hanover square the lights were numerous ; but we do not remember to have observed one house in Great George street, (which our readers will remember runs out of it,) which had not set up the same emblems of peaceful triumph—an observation which equally applies to Swallow and Titchfield streets, to a part of Waterloo-street, and eminently to the various avenues which open into it, and to the Haymarket and Cockspur street. The streets were exceedingly thronged by multitudes, whose deportment was quiet and becoming. In the neighbourhood of Temple-bar, we saw a small detachment of the Lifeguards, whose conduct appeared to be regulated by the tranquil demeanour of the populace.

Early in the evening the club houses in St James's street, many of the houses in St James's square, Pall-mall, and Charing-cross, were illuminated. Brookes's, in St James's street, deserved and attracted particular notice. Though no previous preparations could have been made, the balcony, in a short time, was tastefully decorated with a royal crown, with the letters Q. C., the initials of Queen Caroline. White's

was illuminated profusely with torches ; Boodle's very sparingly ; the Guard's mess, club very splendidly. In Pall-mall, though nearly all the houses were lighted up about 8 o'clock, nothing particular was observable. From Carlton-house we proceeded to St James's square, to see how the deliverance of her Majesty was received by the loyal inhabitants of that fashionable quarter. There the houses of the nobility and gentry were generally illuminated with more or less brilliancy, though, from the sudden nature of the call, and the want of preparation, there were no coloured lamps of tasteful designs. The houses of Lord Castlereagh and the Duke of Northumberland, were, we think, the only mansions involved in their usual gloom. The Duke of Bedford's family was actually threatened. The house of Lord Castlereagh was protected by the military, but that of one of his refractory friends was not. Greenwood's (the armyagents) people, at Charing-cross, refused, at first, to illuminate, and in consequence of that resistance, or a tardy compliance with the sovereign multitude, he had his windows smashed. Neither the Admiralty nor Whitehall, nor Downing-street, was illuminated.

The illumination in Holborn was very general ; and though the suddenness with which it was got up prevented the display of many devices, several of the windows were handsomely decorated with leaves of laurel, among which were interspersed mottos declaratory of the affection which the owners of the houses bore towards her Majesty. Several of the streets leading from Holborn into the squares on the north side of it, as also the squares themselves, were irradiated by the light of a thousand lustres. Bedford square was particularly resplendent, as was also Great Russel-street, Bloomsbury. Chancery-street, Tavistock-street, and

Percy-street, appeared to join in the general joy ; and the upper and lower ends of Tottenham-court-road evinced their loyalty with quite as much splendour as any of the streets which we have before mentioned. In Fitzroy square, no lights were exhibited, nor were many to be seen in Charlotte-street, which branches off from it. Rathbone-Place was well illuminated, and in one of the houses we observed the initials of the Queen's name, Q. R., displayed in variegated lamps amid festoons of laurel, in the interstices of which several placards of "*Non omi ricordo*" were plated. The appearance of Oxford street was very brilliant, and the crowds that were walking up and down it, with an air of busy joy in their countenances, rendered a most interesting spectacle. Soho square was generally lighted up ; but there was scarcely a candle either in Greek or Frith-street. The lower end of Wardour-street was in the same condition ; and no great blaze or light struck upon the eye until the spectator came to the head of Piccadilly. From Coventry-street up towards Hyde-park-corner, Piccadilly presented an imposing view, which was rendered more striking by the darkness in which Prince's-street and Whitcombe-street were shrouded. St Martin's-lane was only partially illuminated ; but in New-street, King-street, Great Russel-street, and Covent-garden, not a ray of light, except what was afforded by the glimmering of the gas-lights, was to be discovered. Brydges-street afforded a different spectacle, as did also the Strand, in which the generality of the householders seemed to vie with each other as to who should display his attachment to her Majesty in the most brilliant manner. However, there were some in that neighbourhood who did not sympathize in the delight felt by

their fellow-citizens. The multitude, in revenge, broke their windows. The consequence of this was, that the military were sent for ; but, although the Riot Act was read, we have not heard that any material injury has been done, excepting the breaking of a few panes. The crowd ultimately dispersed, and all was perfectly tranquil at 12 o'clock. The military, however, continued in small numbers about Charing-cross.

The illuminations were continued during several successive nights.

EDINBURGH.—On the morning of the 19th several placards were found posted up in this city, inviting to an illumination in the evening. These were instantly torn down by the police, and in the forenoon, the magistrates issued a proclamation forbidding such a display ; and promising protection to the inhabitants against any attempts to compel them to it. Notwithstanding this, however, a partial illumination commenced about six o'clock, in most parts of the Old Town, and in some inferior streets of the New Town, which, as the evening advanced, became more general. About nine o'clock, riotous bands of young men and boys assembled, and paraded the chief streets of the New Town, demolishing, without opposition, the windows which were not illuminated. At an early hour the corners of the bridges were taken possession of by a disorderly multitude, and whenever a person of respectable appearance passed, the cry got up, "Off hats for the Queen," and such as had the temerity to refuse compliance were immediately assailed with showers of mud and filth, not unfrequently accompanied by blows. In the afternoon, the magistrates had assembled a strong civil and military force at various points ; consisting of the Edinburgh volunteer infantry and cavalry, a part of the 7th dragoon



guards, and the high constables, and police of the city; but this force was not called into action till near eleven o'clock, when they soon cleared the streets; but before this period, damage had been done to windows and other private property amounting to above L.2000. For their not fulfilling the promise of protection held out to the inhabitants, while such a powerful force was at their disposal, the magistrates have been by some persons severely censured; while others approve of their forbearance, and consider that by it the greater danger was avoided by not bringing the military in contact with the mob, until the feelings of the latter had been allowed to vent itself in the work of destruction. Leith was, on the same evening, partially illuminated, and many of those who did not choose to do so, were visited in a similar manner. A few windows were again lighted up in Edinburgh next night, but all was quiet.

*“Lower Brook Street, Nov. 17.*

“Mr Keppel Craven has received her Majesty’s commands to inform the Lord-Mayor that it is her Majesty’s wish to attend divine service at St Paul’s, on Sunday, Nov. 26.

*“Right Hon. the Lord-Mayor.”*

To this the Lord-Mayor returned an answer, intimating that her Majesty’s notification should be attended to.

*“Lower Brook Street, Nov. 17.*

“Mr Keppel Craven has the honour to acknowledge the receipt of the Lord Mayor’s letter, in answer to the communication he made to the Lord-Mayor, by the command of her Majesty the Queen. Mr Keppel Craven will not fail to lay the Lord-Mayor’s note before her Majesty, and to forward to the Lord-Mayor any further information he may receive on the subject.

*“Right Hon. the Lord-Mayor.”*

*“Lower Brook Street, Nov. 17.*

“In addition to the communication

I had the honour to make to you this morning, I have now, by her Majesty’s commands, to inform you, that her Majesty having understood that it is customary to perform divine service three times a-week in St Paul’s Cathedral, her Majesty selects Wednesday, the 29th inst., in preference to Sunday, the 26th—feeling that perhaps the concurrence of people who might be drawn together would not be quite suited to the solemnity of the Sabbath-day.

*“KEPPEL CRAVEN.*

*“Right Hon. the Lord-Mayor.”*

“The inhabitants of the wards within the city, and the parishes round London, having manifested an anxious desire to present their addresses of congratulation to her Majesty, in large bodies, instead of small deputations, her Majesty, desirous of gratifying their wishes, and disregarding all personal fatigue, will receive their addresses in any way most convenient to them. In order to facilitate any arrangement for receiving such numerous bodies, as the days are now so short, her Majesty will not receive so many addresses in one day. Her Majesty will receive addresses on Monday, the 4th of December, and on every succeeding Monday till further notice. Any persons wishing for any information previous to their presentations, will please apply at 15, St James’s square.

*“R. KEPPEL CRAVEN, Vice Chamberlain to the Queen.*

*“Brandenburgh house, Nov. 27.”*

27th.—Mr Fletcher, or Franklin, accused of fabricating and circulating inflammatory placards, (as stated at page 357 of this volume,) has escaped, notwithstanding the vigilant pursuit of Mr Fearson the solicitor, along with one of the Bow-street officers. A reward of L.100 was offered by the Queen’s Plate Committee, and another of L.200 by Government, for his apprehension, but without effect. A }

ter has been received from Franklin, by one of the Bow-street magistrates, dated Dunkirk, 19th instant, avowing his guilt, but ridiculing all attempts to apprehend him. On the 17th a warrant was granted at Bow-street against Mr Dennis O'Bryen, charged, on the oath of a bill-sticker, with being concerned with Franklin in the manufacture of those atrocious placards. Mr O'Bryen attended voluntarily at the police office, but on a subsequent day the warrant was discharged, the bill-sticker having declared that he was mistaken in the person.

27th. Mr Jeffrey was installed Lord Rector of the University of Glasgow. The ceremony excited an unusual degree of interest; and in a few minutes after the doors were thrown open, the hall was crowded to excess. At three o'clock Mr Jeffrey entered, and was received with the loudest shouts of applause, and with every demonstration of respect and attachment. Mr Jeffrey was accompanied by Mr Campbell of Blythswood, M. P. Dean of Faculty, the Principal and Professors of the University, Mr K. Finlay, (late Rector,) and by Messrs Thomson, Cockburn, and J. A. Murray, advocates, Professor Pillans, and several other gentlemen, who had gone with Mr Jeffrey from Edinburgh. After the installation Mr Jeffrey addressed the audience in the following speech, which called forth reiterated shouts of applause:—

“It will easily be understood that this is to me a moment of great pride and gratification. But I feel that it is also a moment of no little emotion and disturbance; and on an occasion where Burke is reported to have faltered, and Adam Smith to have remained silent, it may probably be thought that I should have best consulted both for fame and my comfort, if I had followed the latter example. It is impossible, however, not to feel, that in

the case of that eminent person, and of many others, who have since conducted themselves in the same manner, the honour they conferred on the University nearly compensated that which they had received from it; and *they* might not, therefore, feel any very strong call to express their sense of an obligation which was almost repaid by its acceptance. On the present occasion no one can feel more intimately—no one, indeed, so intimately as I do, that the obligation is all on one side, and that the whole of the honour is that which is done to me. I cannot help feeling, therefore, as if I should be chargeable with ingratitude if I were to leave to be inferred from my silence those sentiments to which I am abundantly aware I shall do little justice by my words.

“In endeavouring, however, to express the sense I have of the very great and unexpected distinction that has been conferred on me, I must be permitted to say, that it has in it every thing that could render any honour or distinction precious in my eyes. It is accompanied, I thank God, with no emolument—it is attended, I am happy to understand, with not many or very difficult duties—it is chiefly of a literary and intellectual character—and it has been bestowed, without any stir or solicitation of mine, by something that approaches very nearly to a popular suffrage.

“These considerations would certainly be sufficient to render any similar distinction in any other seminary of learning peculiarly grateful and flattering. But I must say, that what chiefly exalts and endears this appointment to me is, that it has been bestowed by the University of Glasgow. It was here that, now more than thirty years ago, I received the earliest, and by far the most valuable part, of my academical education, and first imbibed that relish and veneration for letters

which has cheered and directed the whole course of my after life; and to which, amidst all the distractions of rather too busy an existence, I have never failed to recur with fresh and unabated enjoyment. Nor is it merely by those distant and pleasing recollections—by the touching retrospect of those scenes of guiltless ambition and youthful delight, when every thing around and before me was bright with novelty and hope, that this place and all the images it recalls are at this moment endeared to my heart. Though I have been able, I fear, to do but little to honour this early nurse of my studies since I was first separated from her bosom, I will yet presume to say, that I have been, during all that interval, an affectionate and not an inattentive son. For the whole of that period I have watched over her progress, and gloried in her fame; and at your Literary Olympics, where your prizes are distributed, and the mature swarm annually cast off to ply its busy task in the wider circuit of the world, I have generally been found a fond and eager spectator of that youthful prowess in which I had ceased to be a sharer, and a delighted chronicler of that excellence which never ceased to be supplied. And thus, the tie which originally bound me to the place was never allowed to be broken; and when called to the high office which I this day assume, I felt that I could not be considered as a stranger, even by the youngest portion of the society over which I was to preside.

“It has not been unusual, I believe, on occasions like the present, to say something of the fame of the University, and of the illustrious men who have from time to time contributed to extend it. I shall not now, however, enter upon such a theme. But on finding myself, after so long an interval, once more restored to this society, and reassumed as one of its members, it is

impossible for me not to cast back one glance of melancholy remembrance and veneration to the distinguished individuals by whom it was then adorned, and from whom my first impressions of intellectual excellence were derived. Among these it is now a matter of pride and gratification, that I can still recollect the celebrated Dr Reid, then verging indeed to his decline, but still in full possession of his powerful understanding; and, though retired from the regular business of teaching, still superintending with interest the labours of his ingenious successor, and hallowing, with the sanctity of his venerable age, and the primitive simplicity of his character, the scene over which his genius has thrown so imperishable a lustre.

“Another potent spirit was then, though, alas! for too short a time, in the height and vigour of his strong and undaunted understanding—I mean the late Mr Millar, whom it has always appeared to me to be peculiarly the duty of those who had the happiness of knowing him, to remember and commemorate on all fit occasions, because, unlike the great philosopher to whom I have just alluded, no adequate memorial of his extraordinary talents is to be found in those works by which his name must be chiefly known to posterity. In them there is indeed embodied a part, though, perhaps, not the best or most striking part, of his singular sagacity, extensive learning, and liberal and penetrating judgment; but they reveal nothing of that magical vivacity, which made his conversation and his lectures still more full of delight than of instruction;—of that frankness and fearlessness, which led him to engage, without preparation, in every fair contention, and neither to dread nor disdain the powers of an opponent; and still less, perhaps, of that remarkable and *unique* talent and which he was enabled to clothe

concise and familiar expressions, the most profound and original views of the most complicated questions; and thus to render the knowledge which he communicated so manageable and unostentatious, as to turn out his pupils from the sequestered retreats of a college, in a condition immediately to apply their acquisitions to the business and affairs of the world.

"In indulging in these recollections, I am afraid I am but imperfectly intelligible to the younger part of my hearers, to whom the eminent individuals I have mentioned can be known only as historical or traditionary persons. But there is one other departed light of the same remote period, in referring to whom, I believe, I may reckon upon the sympathy of every one who ~~now hears me, and over whose recent~~ and sudden extinction all will be equally ready to lament. It is melancholy—and monitory, I trust, to us all,—to reflect, that, in the short space which has elapsed since my election to this office, this seminary has been deprived of one of the oldest and most distinguished of the teachers by whom it has ever been adorned; and it is no small detraction from the pleasure which I promised myself in appearing here to-day, that I cannot be welcomed by the indulgent smile of that amiable and eminent individual. I had the happiness of receiving a very kind message from him, dictated, I believe, the very day before his death, and when I was far, indeed, from suspecting that it was to be the last act of our intercourse on earth. I need not say that I have been alluding to the late excellent Mr Young, a man whose whole heart was to the last in the arduous and honourable task to which his days were devoted. and who added to the great

stores of learning the quick sagacity and discriminating taste by which he was so much distinguished, an unextinguishable ardour and genuine enthusiasm for the studies in which he was engaged, that made the acquisition of knowledge, and the communication of it, equally a delight; and who, with habits and attainments that seemed only compatible with the character of a recluse scholar, combined, not merely the most social and friendly dispositions, but such a prompt, lively, and generous admiration of every species of excellence, as made his whole life one scene of enjoyment, and gave to the moral lessons which it daily held out to his friends and disciples, a value not inferior to that of his more formal instructions.

"I have permitted myself to say thus much of the dead. Of the living, however unwillingly, I believe I must now forbear to say anything. Yet I cannot resist congratulating myself, and all this assembly, that I still see beside me one \* surviving instructor of my early youth,—the most revered—the most justly valued of all my instructors;—the individual of whom I must be allowed to say *here*, what I have never omitted to say in every other place, that it is to him, and his most judicious instructions, that I owe my taste for letters, and any little literary distinction I may since have been enabled to attain. It is no small part of the gratification of this day, to find him here, proceeding with unabated vigour and ardour in the eminently useful career to which his life has been dedicated. And I hope and trust, that he will yet communicate to many generations of pupils those inestimable benefits to which many may easily do greater honour, but for which

no one can be more sincerely grateful, than the humble individual who now addresses you."

Mr Jeffrey then alluded in the most handsome manner to his predecessor, Mr Finlay, and expressed his conviction that all prejudices against him were groundless. He concluded with impressing on the younger part of his auditors the importance of diligence and attention to academical discipline.

29th.—This day the Queen attended Divine service at St Paul's, according to appointment. Her Majesty's carriage did not draw up before the great western entrance, until the clock had struck twelve, as she had been detained on her way up Ludgate-hill, by the excessive pressure of the crowd. She was handed up the flight of steps by Mr Alderman Wood, and Mr K. Craven. Within the doors of the cathedral the Queen was received by the committee of the corporation, with white wands and favours, and by sixty ladies dressed in white, and decorated by a profusion of white ribbons. The Queen was conducted by the proper officer in his robes, and by Dr Hughes, in his canonicals, to the principal stall in the choir, where she took her seat. Lady A. Hamilton was placed in an adjoining stall on the right of the Queen, while Sir Robert Wilson, Mr Hume, and Mr Hobhouse, (the latter in full court dress,) sat upon the left. Alderman Wood, (the only Alderman present, with the exception of Alderman Waithman,) took the usual situation assigned to persons filling his corporate capacity. The Lord-Mayor sat in his usual situation, opposite the Queen.

The service concluded soon after one; but her Majesty, in consequence of the multitude both within and without St Paul's, was unable to quit her seat until about half past one, and even then, a considerable time elapsed

before she could reach her carriage, although the utmost exertions were used by the committee and peace-officers to separate the crowd, and open a passage. The Queen ascended with the same ceremonies with which she had alighted.

The whole front of the church was at this time one solid mass of people. The surrounding windows were all filled, innumerable handkerchiefs were waved, and continued shouts raised on the re-appearance of her Majesty under the grand portico. The carriage of her Majesty was greeted as it proceeded by the loudest shouts, as her Majesty had ordered that the covering should be let down, so as to give the spectators a full view of her person. The Queen bowed frequently in return for the cheers. The Lord-Mayor and Sheriffs went no farther than Temple-bar. Mr Alderman Wood, Mr Hobhouse, Sir R. Wilson, and others, accompanied the Queen on her way to Hammersmith.

## DECEMBER.

4th.—DECLARATION.—"We, the undersigned inhabitants of the Ward of Cheap, deem it an imperative duty at the present crisis, when wicked and factious men are insidiously, as well as openly, attempting to subvert the laws and liberties of the country, to declare:

"That we perceive with the greatest regret the daring efforts which are made to mislead the uninformed, and to eradicate all feelings of religion and loyalty; for which purpose the country is inundated with blasphemous and seditious publications, and other libels, sent forth in the most reprehensible forms, evidently intended to excite, disregard for the Christian religion

and to bring his Majesty's sacred person into hatred and contempt.

"That we are fully sensible of the blessings and protection we enjoy under the incomparable constitution of our country, which is the gradual result of the wisdom of ages.

"That our sentiments of loyal and dutiful attachment to our gracious Sovereign and government are unabated; and that we are determined strenuously to support those venerable institutions in church and state, from which, under divine Providence, our national character and domestic comfort are mainly derived."

8th.—The Lord-Mayor, accompanied by Sir William Curtis, Sir William Leighton, Sir Charles Flower, Mr Alderman Birch, Mr Alderman Heygate, Mr Alderman B. B. B., Mr Sheriff Williams, the Recorder, and city officers, proceeded from Guildhall to Carlton-palace, and presented the following address to his Majesty, pursuant to the resolution of the last court:

"TO THE KING'S MOST EXCELLENT MAJESTY,

"The dutiful and loyal Address of the Court of Lord-Mayor and Aldermen of the City of London.

"*Most gracious Sovereign,*—We, your Majesty's most dutiful and loyal subjects, the Lord-Mayor and Aldermen of the City of London, approach your Royal presence with renewed assurances of our most inviolable attachment to your sacred person and government.

"Impressed as we are with veneration for your Majesty's crown and dignity, we view with horror and detestation the unprincipled efforts of the disaffected, in every direction which situated malice can devise, and a li-

centious press promote, to withdraw the unwary and timid from their allegiance to their Sovereign, and, in the result, to overwhelm this free and happy land with anarchy and confusion.

"For this base purpose calumnies of the most mischievous tendency have been circulated against all the constituted authorities of the realm with restless and unabating rancour. The Parliament, the Courts of Judicature, the Altar, and the Throne, as established by our envied and glorious constitution, have become the objects of the most profligate abuse and insulting derision.

"We feel, Sir, that in order to avert the devastation threatened by such a torrent of impiety and sedition, it becomes the bounden duty of all the liege subjects of the realm to stand forward without delay, and avow their determination to support the principles of the British constitution in the true spirit of British loyalty; to rally round the throne, and guard the religion and laws of the country from outrage and insult.

"The Lord-Mayor and Aldermen of the City of London are therefore most anxious, Sir, to testify to the country at large, in this evil hour, their resolution to defend the Monarchy, as well as the other branches of the Constitution, against the attempts openly and industriously made by the instigators and abettors of sedition and infidelity; and to their utmost endeavour in their respective stations, as magistrates, under the sanction of the laws, to transmit to their children's children the blessings they have derived from the wisdom and bravery of their ancestors, and which they enjoy under your Majesty's paternal sway.

"We beg to add our most fervent prayers to the Almighty Disposer of all events, that your Majesty's reign may be long, prosperous, and happy,

in the affections of a faithful, grateful, and loyal people.

"Signed, by order of Court,  
"HENRY WOODTHORPE."

To which address his Majesty was pleased to return the following most gracious answer:

"I return you my warmest thanks for this loyal and dutiful address.

"It is peculiarly gratifying to me to receive at this time such an assurance of your unshaken attachment to my person and government, and of the feelings with which you regard the attempts so unceasingly made to extirpate all that has hitherto been held sacred amongst us, and to destroy all the sources of British freedom, prosperity, and power. A spirit similar to that by which you are actuated, happily predominates throughout the kingdom; and I well know the implicit confidence which is due to the virtue and loyalty of the great body of the nation, who are manifesting their just sense of the blessings they enjoy by the most decisive proofs of their zealous determination to defend and preserve them.

"You may rely on my constant support in the discharge of the duties which arise out of the present extraordinary conjuncture.

"We are engaged in a common cause, and I feel most deeply that the honour of my crown, and the happiness of my reign, are inseparably interwoven with the maintenance of our established constitution, and with the true interests and welfare of my people."

—The King received the Cambridge loyal address on the throne. The deputation was less numerous than usual, there being no more than 229 members, whereas, on the two last occasions, there were upwards of 400. The Duke of Gloucester, the Chancellor,

was not present; but his absence was compensated by the Vice-Chancellor, Dr Wordsworth, late chaplain to the Archbishop of Canterbury, and now Master of Trinity. The Archbishop himself and the Bishop of Ely also accompanied the deputation; to their names we add those of the Earl of St Germain and the Solicitor-General (Sir J. Copley.)

"TO THE KING'S MOST EXCELLENT MAJESTY.

"The dutiful and loyal Address and Petition of the Lord-Mayor, Aldermen, and Commons, of the City of London, in Common Council assembled.

"*Most Gracious Sovereign,*—We, your Majesty's dutiful and loyal subjects, the Lord-Mayor, Aldermen, and Commons, of the City of London, in Common Council assembled, feeling ourselves called upon by the exigencies of the times and country, beg leave most humbly and respectfully to approach your Majesty, to express to your Majesty our profound regret at the measures pursued by your Majesty's ministers, so contrary to the spirit of the British Constitution, and to the principles of universal justice, while they are subversive of the liberties and true interests of the nation, and of the honour and security of your Majesty's throne.

"The war which exhausted the wealth and resources of the country has long since terminated; yet, during a period of profound peace, we have seen no effectual retrenchment in the public expenditure, but loan after loan again resorted to for the support of useless and preposterous establishments, affording the means of the subjection of Parliament by the influence of ministerial patronage, and the overawing

of the people in the exercise of their just rights by unconstitutional military force.

"The discontent thus created, we lament to state, has not been counteracted by your Majesty's ministers, either by just concessions, or by such a liberal policy as is due to a free people from their governors; but, on the contrary, the laws have been enforced with unprecedented severity, to the disgust and alarm of your Majesty's faithful subjects; and, instead of obtaining redress, coercive laws have been introduced into the legislature by those very ministers to uphold their own mal administration. At the same time that the conduct of ministers has tended to excite the dissatisfaction of your people, and to exasperate that dissatisfaction into acts of treason, those ministers have so neglected the commercial and agricultural interests of the nation, that it is at length become difficult to determine which of these sources of national prosperity is most impoverished; and, although numerous petitions of your Majesty's distressed subjects, from almost every class of industry, have been presented in successive years to the several branches of the legislature, yet the people remain without relief, or even the prospect of relief; and your Majesty's ministers seem as unwilling from indifference, as from want of political skill, to apply the necessary remedies to such complicated evils.

"It is with pain and reluctance that we allude to a subject which ought never to have been forced upon public attention; but the unjust and demoralizing proceedings adopted by your Majesty's ministers, relative to your Royal Codsort, having drawn forth the reprobation of the great body of the people, we should be guilty of a dereliction of our duty to your royal person, and the interests of the coun-

try, if we restrained our expressions of indignation at this flagrant outrage upon the moral and religious feelings of the nation, and forbore to represent to your Majesty this prominent instance of their utter disregard of public justice and of the honour of your royal family.

"The corrupt inducement offered to her Majesty to remain abroad in the state of alleged criminality falsely ascribed to her—the submitting to the House of Peers after the House of Commons had pronounced the measure "disappointing to the hopes of Parliament, derogatory from the dignity of the crown, and injurious to the best interests of the empire," the results of the disgraceful subornations procured under an odious commission;—the attempt to degrade her Majesty, and in her the whole house of Brunswick, by an *ex-post-facto* law, unconstitutional in its nature and operation;—the mockery of justice, in uniting on the one hand the functions of accusers, judges, and jury, in the same persons, and withholding, on the other, the means of defence—and all the preliminary steps leading to these disgraceful proceedings;—the employment of foreign ministers and agents;—the luring of spies, and corrupting of menials, and the prejudging her Majesty by the omission of her name in the liturgy, and the withdrawing her from the public prayers of the people; and, lastly, after the defeat of their malignant efforts, the arbitrary assumption of the right of continuing to her Majesty, on their own authority, an allowance out of the public money during the sitting of Parliament, and the advising the abrupt prorogation of that Parliament, to prevent inquiry into these iniquitous proceedings, and to obstruct her Majesty's appeal to the representatives of the people, are, severally, acts of perfidious and mischievous policy, which



we feel persuaded never could receive your Majesty's countenance but through the abuse of your royal confidence, and which demand the immediate dismissal of those unworthy ministers, the contrivers and conductors of so foul a conspiracy.

"We beg leave humbly to assure your Majesty, that these representations are dictated by our sincere attachment to that constitution which seated your Majesty's august family on the throne of these realms, by a sincere devotion to your Majesty's person, and by an anxious desire to promote the future glories of your reign, and in this spirit we conjure your Majesty, by an auspicious change of councils and measures, to reunite the great family of the British people, who have long been divided, insulted, and oppressed, and which would continue your Majesty on a throne, secured by their just affection, and rendered no less glorious by the boundless resources of their industry.

"We therefore humbly pray your Majesty to dismiss from your presence and councils for ever, those ministers whose pernicious measures have so long endangered the throne, undermined the constitution, and blighted the prosperity of the nation.

"Signed, by order of the Court,  
"HENRY WOODHOPE."

To which his Majesty was pleased to return the following answer:

"It has been with the most painful feelings that I have heard the sentiments contained in the address and petition now presented to me by the Lord-Mayor, Aldermen, and Common Council of the City of London.

"Whatever may be the motives of those by whom it is now brought forward, its evident tendency is to inflame the passions, and mislead the judgment, of the unwary and less enlightened

part of my subjects, and thus to aggravate all the difficulties with which we have to contend."

11th.—The following is a list of addresses presented this day to the Queen.

Southwark	Deputation.
Godalming	do
Aldgate	do
St Leonard's, Shoreditch	do.
Clerkenwell	do.
St James's, Westminster	do.
St Paul's, Covent-garden	do
Seamen	do
Stourport	K Northall, Esq.
Cork	Alderman Wood
Ardesier	do.
Spalding	do.
Wellington	do.
Axminster	do.
Bow and Bromley	do.
Congleton	do.
Buckfastleigh	do.
Sceleby	do.
Whitehaven	H. Brougham, Esq.
Stranraer	do
Benefit Societies, } Prestonpans }	Sheriff Walthman.
Dartmouth }	Lord J. Russel, Mr
King's Lynn }	Brougham, and Alderman Wood.
Lincoln	Deputation.
Shrewsbury (Ladies)	— Smith, Esq. M. P.
	Alderman Wood.

*From the London Gazette, Tuesday,  
December 12.*

*St James's, Dec. 11.*

Yesterday afternoon, at 5 minutes after 5 o'clock, the Duchess of Clarence was happily delivered of a princess. His Royal Highness the Duke of York, the Lord-Chancellor, and the Right Honourable George Canning, First Commissioner for affairs of India, were in attendance.

Her Royal Highness is (God be praised) as well as can be expected; and the young princess, although prematurely born, is expected to live.

**GENERAL MEETING OF THE INHABITANTS OF EDINBURGH TO ADDRESS HIS MAJESTY.**—In a general meeting of the inhabitants of the city of Edinburgh, held within the Pantheon, upon the 16th December, 1820, in consequence of a requisition signed by 112 inhabitants, for the purpose of considering the propriety of presenting an humble, loyal, and dutiful Address and Petition to his Majesty, contained in a letter addressed to the Lord Provost, and published in the Edinburgh newspapers,

James Moncreiff, Esq. was unanimously called to the chair.

The chairman having read the letter of requisition, the following resolutions were proposed by Francis Jeffrey, Esq., and, having been seconded by Leonard Horner, Esq., were severally put from the chair, and unanimously agreed to.

**Resolved,**—1. That his Majesty's present ministers have entirely lost the confidence of the great body of the people of this country; and, by a series of injudicious and reprehensible measures, have deservedly become the objects of such general distrust and aversion, as to be no longer capable of conducting the affairs of the nation with safety or advantage.

2. That they have for many years persisted in a course of most improvident and wasteful expence; and, in times of unexampled distress, have obstinately rejected every proposition for effective retrenchment or economy.

3. That they have, in like manner, pursued an ignorant and illiberal system of policy as to the laws and regulations of trade, by which the national distresses have been aggravated, or the means of relieving them withheld or intercepted.

4. That, at the close of a war, the professed object of which was to vindicate and restore the independence of the European communities, and which

had been brought to a successful termination chiefly by the distinguished valour of our free British soldiery, they lent themselves to a policy inconsistent with the best principles of national liberty, and so conducted themselves towards various independent states, as not only to tarnish the honour of the nation in the eyes of the world, but to bring such suspicion on our good faith, as must be productive of great practical embarrassments in our foreign relations, both political and commercial.

5. That they have manifested at all times an unconstitutional and distempered aversion to all popular rights and privileges; and have, on many occasions, imposed unnecessary restrictions on their exercise and enjoyment.

6. That, in order to effect this object, and to maintain, if possible, their own power and influence in the country, they have ascribed the discontents, which arose chiefly from their own misgovernment, to a prevalence of a spirit of disloyalty and disaffection, which has had no natural or extensive existence among the people.

7. That they have struck an alarming blow at the morals of the people, and have invaded the private security of every class of subjects, by employing, encouraging, and protecting an unprecedented number of spies and informers, who are proved in many cases to have been themselves the instigators of those disorders for which others have been exposed to prosecution and punishment.

8. That in pursuance of the same objects they have taken advantage of the peaceful and loyal dispositions which prevail generally in this country, to persuade many well-meaning persons of the truth of their calumnious misrepresentations, and have thus excited among them grievous and groundless alarms, while, at the same time, the severe measures and reproachful language which were consequently adopt-

ed, have occasioned much fear and irritation among those who were the objects of their calumnies, and disposed the less-instructed among them to listen more readily to the seductions of the few wicked and designing persons who were hostile to our free constitution, or who expected to make profit of a season of tumult and disorder.

9. That with a view to deter persons of rank and condition from concurring in the reasonable complaints of the people, they have advised the adoption of the most harsh and insulting measures towards individuals of the highest station, the most unquestioned loyalty, and the most approved public services, whose presence at public meetings was at once the surest pledge of the moderation of the measures to be adopted, and the best means of repressing any tendency to excess or intemperance that might otherwise have been apprehended.

10. That by these and other means they have diffused a spirit of discord through the body of our population, and ultimately produced a most alarming disunion between those classes of the community, without whose cordial co-operation there can no longer be peace and prosperity for the country.

11. That by the late proceedings against her Majesty the Queen, of which they have been the avowed and responsible advisers, they have not only manifested such an utter disregard for the sense and wishes of the nation, the dignity of the Crown, the honour and interests of the house of Brunswick, and the peace and safety of the country, as to have subjected them to general contempt and reprobation, but have at the same time displayed such a signal incapacity and indecision, as must be alone sufficient to demonstrate their unfitness for administering the affairs of a distressed and divided people.

12. That they have finally advised

the prorogation of Parliament, at the period when the agitated state of the public mind, the recent issue of the extraordinary discussions above alluded to, and the unusual pressure of business occasioned by the long dependence of these discussions, required, more than at any other time, the vigilant and unremitting attention of the great council of the nation.

13. That an humble address be therefore presented to his Majesty, expressing our sincere and unalterable attachment to his Majesty's person and government, and to the principles of that happy constitution which placed his Majesty's family on the throne; and humbly entreating his Majesty to remove from his Majesty's presence and councils those individuals by whose suggestion his Majesty and his subjects have been involved in so many calamities

Resolved, upon the motion of Mr James Gibson, seconded by Mr Andrew Scott,

That his Grace the Duke of Bedford, the Earl Grey, Lord Holland, and Lord Erskine, or any of those noblemen who may be in London, when the petition reaches it, be requested to present the petition to his Majesty.

That the following gentlemen be named as a committee to take the necessary steps for having the petition subscribed in the most regular manner, and for transmitting it to London, and for publishing the resolutions in such of the Edinburgh and London newspapers as they may think proper, viz:—Mr Laing Meason, of Lindertis; Mr Spiers, of Culcreuch; Mr Sieve-wright, of Meggetland; Mr J. P. Grant, M. P.; Dr Macklagan, and Messrs Miles Fletcher, William Bell, John Craig, Archibald Anderson, Elias Cathcart, Charles Baxter, Francis Howden, James Gibson, Leonard Horner, James Ivory, Joseph Gordon, Adam

Black, Alexander Craig, David Brown, and James Stuart. Mr Stuart to be convener, and five a quorum, with power to the committee to add such persons to their number as they think fit.

Thereafter it was resolved, upon the motion of John Clerk, and seconded by John Peter Grant, Esq., that the thanks of the meeting be offered to the chairman for his able conduct in the chair; and, upon the motion of John Craig, Esq., that the thanks of the meeting be also given to the gentlemen who signed the letter of requisition for calling this meeting together.

ABERDEEN.—In consequence of a requisition, signed by the Collectors of taxes for this county, and other gentlemen, the Lord Lieutenant and Convener fixed Wednesday, the 20th, for a general meeting of the Noblemen, Deputy Lieutenants, Justices of the Peace, and Commissioners of Supply, to address his Majesty. The meeting accordingly took place in the New Court-house, every part of which was crowded to excess.

The Marquis of Huntly, Lord Lieutenant, took the chair.

Mr Menzies, of Pitfodels, opened the proceedings, by referring to the advertisement, signed by the Lord Lieutenant and himself, calling the meeting.

The Marquis of Huntly then rose, and addressed the meeting nearly as follows:—"Gentlemen, it is highly gratifying to me to witness the respectable body of gentlemen now assembled on this most important occasion, and I trust that we shall all be unanimous in voting a warm, loyal, and affectionate address to his Majesty; and I also trust, that gentlemen have come here only with that view; and whatever address may be agreed upon, I shall be proud in having the honour of forwarding it. Whatever my political opinions may be, I have never obtruded them in public or in private,

and the line of conduct I have hitherto pursued I will still continue. I am satisfied, gentlemen, that you are assured I have only one object in view, namely, the welfare and interest of this large and important county."

Major Leith Hay admitted, that the address was unexceptionable, but conceiving that its real intention was to prop up the tottering fortunes of the present administration, he was determined to oppose it.

Mr Menzies and Lord Forbes strongly denied any such intention.

Mr Skene, of Skene, rose, and said that he had so much conviction that there was a private intention to support ministers by means of the address, that he was determined to oppose it. That at a meeting of the county some time ago the Lord Lieutenant had, in the most handsome manner, declared, that there was the utmost loyalty and tranquillity in this part of the country, and that no meeting like the present was necessary. Did his lordship mean to say that he had now altered his opinion, and that we were now disaffected and in a state of rebellion? For himself, he had the utmost loyalty and attachment to the throne, and, so far as that went, there was not a man more ready than himself to express it; but, at present, he saw no necessity for such a measure nor such a meeting; and unless the address should bear to be confined to the Royal Family alone, he would oppose it. He was always ready and willing to support the just and constitutional prerogatives of the King, and was well satisfied of the blessings we enjoyed under our free and happy constitution, if properly administered; but he would never consent, by a side wind, to give a possibility to ministers to say that he approved of their conduct, which he thought no man either did or could.

Mr Skene then moved an amendment to the address, which was second-

ed by Major Hay. On a division, however, it was negatived, and the original address carried by a majority of 91 to 14.

#### MEETING OF THE COUNTY OF EDINBURGH.

22d.—The meeting of the Noblemen, Freeholders, Commissioners of Supply, and Justices of Peace, called by public requisition, was held in the County-hall on Friday at twelve o'clock. Both the body of the hall and the gallery were extremely crowded. Upon the motion of Mr Wauchope, of Niddry, the Marquis of Lothian was called to the chair. When the roll was called over, Sir John Hope rose, and after making a few remarks, submitted an humble, dutiful, and loyal address, which he proposed should be presented to his Majesty. Sir John then read the address, when

Mr James Walker, Advocate, rose. He regretted that the task of seconding the address should have been imposed on him, especially when there were so many gentlemen whose qualifications and consequence better fitted them to discharge the duty. It was evident, he said, from all that was passing around us, that the most flagitious attempts were making to degrade the Government, and which had created the most serious alarm among all classes of the community. It is true that itinerant preachers of treason and the regular system of training in arms are now put an end to; but the agents of sedition are still active, and the language which they now assume is not less alarming though it is more artful. While the late investigation was pending before the House of Lords, without waiting the issue, every abuse was heaped on all that was venerable or that ought to be respected: the ministers of the land, the dignitaries of the church, and all in authority, were attempted to be degraded. Every en-

deavour had been made to extinguish all feelings of loyalty to the King. This was not confined to the lower orders. And it was no less true, that the second Counsel for her Majesty had ventured, in the House of Lords, to draw a parallel between the character of our gracious Sovereign and that of Nero. To whom was this most unjust system of persecution to be ascribed? Was it to be ascribed to ministers, by whose advice the late prosecution had been instituted against an individual whose conduct had become the scandal of Europe? The time was now come for the people, from the one end of the island to the other, to support the government of the country. The present meeting, he said, fully and fairly represented the sentiments of the people of this county, at least of all those whose opinions were of any value. He felt convinced that the people would soon discover and separate their pretended from their real friends; and he hoped that the period was not far distant, when that part of the community, in whom one spark of religion yet remained, would return to their loyalty and allegiance.

Mr Fergusson of Raith rose, he said, from an imperious sense of duty. The address at the Council-chamber was one which would be signed by none but those who were attached to power, and he felt it to be his duty to resist or protest against any such attempt here. It was true the address which had been moved was softened in its language, but its tendency was the same. He deprecated in particular that part of the address respecting the licentiousness of the press, and maintained that it is not the King, but his ministers who are responsible for the acts of government. The plain meaning of the address was, that the ministers were to be supported against the feelings and voice of the people. He denied that it was the rabble only who

had condemned the treatment which the Queen had received. The middle and well-informed classes had held the same opinion. If public confidence was lost, ministers must either adopt some conciliatory measure, or fall. The support of a few aristocrats would serve them little. The friends of ministers should say—"Change your measures, and all may be well:" but he had no doubt that, instead of this, they would boldly and impudently try to put all that was past out of view, and continue to tread in the same path. Whatever might be thought of his sentiments, they were those of an honest man and a lover of his country. He then proposed an amendment, which he read.

Mr Stuart said, little more than a twelvemonth since this meeting was called upon to vote an address of a similar nature. Upon that occasion, believing that a part of the population were acting under the influence of demagogues, he had shewn his readiness to support the government to a certain length; but upon the present occasion we were called upon to address the throne, merely on vague statements of the existence of disaffection and irreligion prevailing in the country. Now, he firmly believed that there never was a time when there was less pretence for bringing such charges against the people of this country. As to the charge of the dissemination or circulation of irreligious tracts in this country, he had made diligent inquiry from sources the best informed, and which, if he was required, he was ready to name; and he was certain, not only that no such tracts were in circulation, but that a greater number of religious magazines and tracts were now sold and distributed in this country than at any former period, above one hundred thousand finding their way among the people every month. And from whom, he asked, did the charge of irreligion

brought against the people proceed? From the landed interest, who, he fearlessly asserted, were less attentive to their religious duties, and less sincere in the performance of them, than that class of society whom they were attempting to libel and defame. The introduction, therefore, of religion into the discussion of this day, and the necessity which had been proclaimed of protecting it, appeared to him to be nothing else than hypocritical cant, and as such unworthy of all notice. Then, as to the disaffection which was said to prevail, he knew nothing of it, and not a statement had been made to shew in what it consisted. That there were discontents he well knew; and although the hon. gentlemen who had spoken had not yet alluded to the addresses to her Majesty, he firmly believed that it was to the language used in these addresses that they referred, when they spoke of the disaffection of the country. He did not mean to defend or to be the apologist of the language made use of in these papers, but he must say, that the interest which the people had taken in the oppressive proceedings instituted against her Majesty, had raised their character in the eyes of all Europe, and in the estimation of all thinking men.

Sir George Clerk was anxious to recall their attention to the nature and object of the meeting. It was not necessary for them to meet and express their loyalty; that was never questioned; but it was necessary to convince others, who vainly imagined that they represented the people, that it was only necessary for the loyal and peaceable to show their determination to put down the mischievous attempts of the disaffected, and to shew the noisy disturbers of the public peace that they are as contemptible in numbers as in respectability. He was by no means anxious to enter into an examination of the question regarding the claims of

the two great political parties; but when that was necessary, he would be ready to state his opinions. Sir George adverted to the seditious publications, particularly at Glasgow, and denied that ministers were guilty of endeavouring to separate the higher and lower classes of the people. This charge rather applied to those who had made the Queen a rallying point. Sir George defended the conduct of ministers. It was not necessary to inquire whether her Majesty was guilty or innocent. By her conduct she had surrounded herself with a cloud of suspicions, which rendered investigation necessary. When he saw respectable individuals lending themselves to flatter the prejudices of the lower orders, he could not but believe that those opposed to him in politics were really sincere in saying they did not wish office, otherwise he would feel some difficulty in explaining many parts of their conduct on recent occasions. He thanked God that a spirit of religion existed in the country. This meeting, he said, was not called to decide whether my Lord Liverpool or my Lord Grey should be at the head of the government. They were called on to vote a loyal address to his Majesty, which he thought should pass unanimously, or would at least be carried by a large majority.

The Earl of Rosslyn was astonished at the language held in the opening speech, which appeared to him to be a greater attack upon the government of the country than any alluded to in the address. The expression of public opinion on the late occasion came from the general mass of the people, from the proprietors, the yeomanry, tenantry, and a large proportion of the commercial body of the country—it came from the body of the people, who are the sinews of the state—from those to whom we owe the strength and glory of the country, and from whom the

jurymen are elected for the civil and criminal trials that take place. He would not shut his eyes to the fact, that the Queen had fallen into the hands of indiscreet counsellors; but this was the consequence of her having been abandoned by those who ought to have been her friends and advisers. Parliament had been prorogued in a manner the most ungracious. The separation justly described as existing between the upper and lower classes, was chiefly the consequence of the conduct of the former, who stigmatized all who did not worship the idol of the day as disaffected to the government. The charge of irreligion against the lower classes was most unfounded. There never was less infidelity in the country than at the present day, and no immoral writings were circulated here.

Mr M. Linning and the Lord Advocate spoke in favour of the address, and Mr James Gibson against it.

Mr Jeffrey stated, at the outset, that in so far as the address moved by Sir John Hope consisted of professions of loyalty and attachment to the throne and the constitution, he (Mr Jeffrey) and all his friends would most cordially go along with it; and if gentlemen on the other side considered the language of the address, in these respects, as more choice and emphatic than that of the amendment, he was most willing to adopt it. But farther than that he could not give his concurrence to the address. He put it to every man of sense to say, whether the expressions used in the remainder of the address did not imply an unqualified approbation of whatever measures ministers have taken, or may be pleased to adopt. He agreed with the other side in considering this a crisis in which every man was bound in duty to step forward and declare his sentiments. He was aware that much discontent, and, he was afraid, also some disaffec-

tion (though to a far less extent than was represented.) prevailed. This being admitted, all agreed in wishing to allay the ferment. The opposite party held that this was to be effected by putting down and forcibly repressing every symptom of discontent as it appeared, while he and his friends, on the other hand, were of opinion, that tranquillity could not be permanently established, without ascertaining the real causes, by inquiry and investigation, and then removing them. The learned gentleman then explained and elucidated these principles at considerable length, shewing the dangerous effects of a system of blind coercion, and the advantages of a fair, liberal, and constitutional administration. He then proceeded, in a strain of animated and powerful eloquence, to defend the Whigs as a body from the charges which had been made against them. They had been accused of relinquishing their own principles and adopting those of the radicals. This he most positively denied; challenging all and every man in that house to mention a single instance in which any Whig, either in parliament or out of it, had given his sanction to any of the revolutionary principles of which they had heard so much. The ablest and the best answer which had ever been made to the pernicious doctrines of Universal Suffrage and Annual Parliaments had appeared in the Journal with which he had the honour to be connected. But there was another accusation; it was said the Whigs were anxious to gain over the Radicals to their banners. To that accusation he pleaded guilty. The Whigs were anxious to gain over the Radicals, as they are also to gain over the Tories. But how did they desire to gain them over? Not by surrendering their own principles, but by the force of argument and a kind conciliatory treatment, to induce them to renounce

their erroneous opinions, and to class themselves, on conviction, with those who supported the true principles of the constitution.

A vote having been called, the address was carried by a majority of 110 to 26.

**DESTRUCTION OF THE ASSEMBLY ROOMS, BATH.**—*Extract of a letter from Bath.*—On Thursday night, the 21st, about eleven o'clock, these extensive, elegant, and far-famed premises were discovered to be on fire. Clouds of smoke were seen to issue from some of the lower apartments long before the conflagration became manifest. At length the flames burst out with inconceivable fury, and soon presented such a scene of terrific grandeur and desolation as was never witnessed in this city. The engines and firemen arrived on the spot with great promptitude. At first the fire-plugs afforded but a scanty supply of water, which gave the destructive element time to get so tremendous a head, that it then appeared, if the whole Avon had been poured upon the roofs, floors, and staircases, it could not have been quenched, though it might have retarded, the progress of the flames. The country around was a sheet of elementary fire; the sky and hills, with the numerous surrounding buildings, appearing "one red." But, perhaps, the most magnificent sight, and awfully impressive moment, was about two o'clock, when the long-pent-up flames in the large ball-room burst, as if by one mighty effort, through the six great windows, and seemed to glare defiance in volumes of liquid flame. The conflagration of the card-room presented an almost equally heart-appalling display of the irresistibility of fire. About three, the stupendous roof began to fall in, not with a sudden crash as had been anticipated, but by successive fragments of tile, and blazing beams



and rafters. By six o'clock the mighty element had completely effected its work of desolation, and the whole fabric was reduced to a heap of burning ruins.

The heat was so intense, and the smoke so overpowering, that we lament to say, but a comparatively small portion of the property on the premises was saved from destruction. Some of the apartments at the north end had been handsomely fitted up in the course of the last summer for the residence of a gentleman, who, we understand, is at present at Swansea, and who had embarked considerable property in the concern, and deposited in his rooms valuables to a large amount in paintings, plate, &c. ; the whole of which, we regret to state, has been destroyed ; but we understand that it had been recently insured with one of the London offices.

The conflagration must have been increased by a large quantity of oil (in which Mr Mills largely dealt,) which was deposited in one of the rooms near the spot where it is supposed the fire originated, being a small space used as a dressing room to the private theatre,

where Mr Seward had that evening exhibited his Fantoccini ; but this is mere conjecture. It was a fortunate circumstance that Mr Walker's magnificent Orrery had been removed from the rooms yesterday morning, that gentleman having given his final lecture the preceding evening.

The following is the amount of the insurances that had been effected on the property thus destroyed :—On the premises, 4000*l.* ; furniture, &c. belonging to ditto, 4000*l.* ; Mr Mills's private effects, 2400*l.*, in the West of England Office ; property belonging to Captain Houlton, 3000*l.* in the London Atlas.

EXTRACT OF A PRIVATE LETTER.  
—The elegant chandeliers, pictures of Beau Nash, &c. were all consumed. Some gentlemen were playing cards at the time the fire broke out ; but such was its fury, that it could not be got under. Mr Houlton is partly insured, and Mr Mills, the renter, also ; but neither to any thing near the value. The ruins this morning present a horrible appearance ; there was not a more convenient or elegant set of rooms in the kingdom.

## V.

## PUBLIC AND PARLIAMENTARY PAPERS.

## AN ACCOUNT OF THE REVENUE AND EXPENDITURE

OF THE

UNITED KINGDOM FOR THE YEAR ENDING 5TH JANUARY, 1820.

REVENUE.	GROSS RECEIPT within THE YEAR.	PAYMENTS into the EXCHEQUER.
ORDINARY REVENUES.	£ s.	£ s.
Customs, including the Annual Duties . . . .	14,734,562 1	10,902,760 1
Excise, including the Annual Duties . . . .	27,955,810 14	24,094,990 19
Stamps . . . . .	7,143,266 6	6,666,712 10
Land and Assessed Taxes, including the Assessed Taxes of Ireland . . . . .	8,172,851 10	7,696,170 5
Post-Office . . . . .	2,129,821 18	1,526,538 9
One Shilling in the Pound on Pensions and Salaries . . . .	17,600 —	16,417 15
Sixpence in the Pound on Pensions and Salaries . . . .	8,414 —	9,161 19
Hackney Coaches . . . . .	26,534 17	22,131 —
Hawkers and Pedlars . . . . .	27,309 7	24,760 —
Poundage Fees (Ireland) . . . . .	4,227 7	4,227 7
Polls Fees (Do.) . . . . .	845 9	845 9
Casualties (Do.) . . . . .	4,826 14	4,826 14
Treasury Fees and Hospital Fees (Do.) . . . .	660 19	660 19
Small Branches of the King's Hereditary Revenue . . . .	121,541 3	14,919 12
Total of Ordinary Revenues . . . . .	60,318,272 16	51,787,162 2
OTHER RESOURCES.	£ s.	£ s.
Property Tax and Income Duty (Arrears) . . . .	105,527 19	162,563 19
Lottery, Net Profit . . . . .	679,150 —	665,300 —
Unclaimed Dividends, Annuities, Lottery Prizes, &c. per Act 56 Geo. III. cap. 97. . . . .	237,512 16	237,512 16
Surplus Fees of Regulated Public Offices . . . .	25,280 10	25,280 10
Voluntary Contributions . . . . .	57,870 18	57,870 18
From several County Treasurers in Ireland, on Account of Advances made by the Treasury for Roads, Gaols, and Police . . . . .	73,096 9	79,651 10
Imprest Monies repaid by Public Accountants . . . .	374,906 9	374,906 9
Total (exclusive of Loans) . . . . .	61,872,588 —	53,388,248 7
Loans paid into the Exchequer . . . . .	18,756,087 6	18,756,087 6
Total Public Income of the United Kingdom, inclusive of Loans . . . . .	80,628,675 7	72,144,335 14

## GREAT BRITAIN DISTINGUISHED FROM IRELAND.

HEADS OF REVENUE. <i>Great Britain.</i>	PAYMENTS into the <i>Exchequer.</i>	HEADS OF REVENUE. <i>Ireland.</i>	PAYMENTS into the <i>Exchequer.</i>
ORDINARY REVENUES.	£. s.	ORDINARY REVENUES.	£. s.
Customs, including the Annual Duties . . . .	9,388,509 7	Customs . . . .	1,514,259 13
Excise, including the Annual Duties . . . .	23,187,839 16	Excise . . . .	1,707,151 2
Stamps . . . .	6,183,242 17	Stamps . . . .	482,469 12
Land and Assessed Taxes . .	7,115,562 10	Taxes . . . .	289,607 3
Post Office . . . .	1,473,000 —	Post Office . . . .	53,538 9
1 <i>l.</i> in the £. on Pensions and Salaries . . . .	16,147 15	Poundage Fees . . . .	4,227 7
6 <i>d.</i> in the £. on Pensions and Salaries . . . .	9,161 19	Polls Fees . . . .	845 9
Hackney Coaches . . . .	22,131 —	Casualties . . . .	4,826 14
Hawkers and Pedlars . . . .	24,760 —	Treasury Fees and Hospital Fees . . . .	660 19
Alienation Fines . . . .	5,145 2	Total of Ordinary Revenues . .	4,048,586 17
Post Fines . . . .	8,212 1		
Seizures . . . .	602 7		
Compositions and Proffers . .	960 —		
Crown Lands . . . .	47,736,575 4		
Total of Ordinary Revenues .			

## EXPENDITURE.

An ACCOUNT showing how the Public Monies remaining in the Receipt of the Exchequer of the United Kingdom, on the 5th day of January, 1819, together with the Monies paid into the same during the Year ended the 5th day of January, 1820, and the Monies paid out of the Net Produce of the Revenues of the said Year, in Anticipation of the Exchequer Receipt; together with the Amount of the Exchequer, Navy, and Transport Bills Issued, and not Redeemed, during the said Year; having been actually Applied.

HEADS OF EXPENDITURE.	SUMS.
For Interest, &c. on the Permanent Debt of the United Kingdom, Unredeemed; including Annuities for Lives and Terms of Years . . . .	£. s. 39,338,325 1
For Charges of Management thereon . . . .	270,460 8
For Interest, &c. on Imperial Loans; including Annuities for Lives and Terms of Years . . . .	389,083 13
For Charges of Management thereon . . . .	3,791 19
For Interest on Portuguese Loan . . . .	10,200 13
For Charges of Management thereon . . . .	140 15
Applied towards the Reduction of the National Debt . . . .	1,108,876 14
The usual Grant . . . .	200,000 —
Annuities for Terms of Years and Lives expired . . . .	167,978 7
Do. . on Lives Unclaimed for Three Years, before 5th January, 1819 . . . .	31,002 12
Do. . on Lives Unclaimed for Three Years and upwards, at 5th January, 1819 . . . .	2,412 3
	33,417 15
Carry forward, £1,510,272 16	40,012,002 9

HEADS OF EXPENDITURE.		SUMS.
		£. s. d.
	Brought forward, £1,510,272 16	40,012,002 9
Per Centage on Loans raised from 1813 to 1819, both inclusive, per Act 53 Geo III cap 35	3,230,323 11	
Annual appropriation for the redemption of £12,000,000		
Part of £14,200,000, Loan 1807	626,255 10	
Interest on Capitals transferred for Life Annuities	152,003 16	
Long Annuities transferred for Do.	7,221 10	
Interest on Debt of the United Kingdom, Redeemed.	3,261,915 4	
Do. . . on Imperial Debt Do.	65,995 6	
Do. . . on Debt of Portugal Do.	16,666 —	
Interest at £1 per cent on part of Capitals created since 5th January, 1793	6,920,962 2	
Do. on Outstanding Exchequer Bills	507,211 10	
Do. on Advances for constructing a Harbour Eastward of Dunlary, per Act 56 Geo III cap 62	—	
Returned from Account of Life Annuities, the Nominees having died prior to their being set apart for payment	3,741 —	
Fourth part of a Legacy bequeathed by the late Admiral Peter Ramier, to the use of the Sinking Fund	187 9	
Applied towards the Redemption of the Debt created in respect of £2,000,000, borrowed for the East India Company in 1812	150,376 7	
<b>Total Charges for Debt</b>		46,193,606 14
II.—The Interest on Exchequer Bills, and Irish Treasury Bills		779,992 3
III.—The Civil Lists of { England . . . . .		203,000 0
{ Ireland . . . . .		198,056 10
VI { The other Courts of Justice in England . . . . .		53,156 16
{ Charges on the Mint . . . . .		15,000 0
{ Consolidated Allowances to the Royal Family, Pensions, &c.		472,233 14
{ Fund. Salaries and Allowances . . . . .		58,755 10
{ Bounties . . . . .		6,541 0
{ Miscellaneous . . . . .		372,832 17
V.—The Civil Government of Scotland		309,089 14
VI.—The other Payments in Anticipation of the Exchequer Receipts; viz.		129,983 5
Bounties for Fisheries, Manufactures, { Customs . . . . .		245,216 11
Corn, &c. . . . . { Excise . . . . .		68,716 8
Pensions on the Hereditary Revenue { Excise . . . . .		11,000 0
Militia and Deserters' Warrants, &c. { Post-Office . . . . .		12,700 0
	Excise and Taxes . . . . .	47,534 1
VII.—The Navy; viz.		
Wages . . . . .		2,281,000 0
General Services . . . . .		2,949,728 6
The Victualling Department . . . . .		1,161,824 12
VIII.—The Ordnance . . . . .		1,590,200 2
IX.—The Army; viz.		
Ordinary Services . . . . .		7,719,924 3
Extraordinary Services . . . . .		1,730,726 10
X.—Issues from Appropriate Funds, for Local Purposes		53,104 1
XI.—Miscellaneous Services:		
At Home . . . . .		1,585,007 2
Abroad . . . . .		260,741 9
<b>Total Expenditure</b>		60,599,276 1
Deduct, Sinking Fund on Loan to the East India Company		150,376 7
<b>Total</b>		60,448,899 13

## REPORT

### *Of the Select Committee of the House of Commons on Agricultural Distresses*

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THE Select Committee of the House of Commons, to whom the several petitions presented to the House upon the subject of agricultural distresses were referred, to consider the matter thereof, and report their opinion thereon; and who were, by an instruction of the 31st of May last, directed to confine their inquiries to the mode of ascertaining, returning, and calculating the average prices of corn in the twelve Maritime Districts, under the provisions of the existing corn laws, and to any frauds which may be committed in violation of any of the provisions of the said laws;—have proceeded to investigate this branch of the subject matter of those petitions, and have agreed to the following Report:—

Your Committee have thought it necessary to explain, in the first instance, the manner in which the returns of the prices of the several sorts of British corn (the aggregate price of which governs the importation of foreign corn) are required to be taken, and computed by the existing laws, and subsequently to make some observations thereon, and to suggest some alterations. These returns are taken from those parts of England more im-

mediately accessible to the sea, which have been denominated the twelve maritime districts; and the counties comprehended in which, are particularly described by the act of the 31st of his late Majesty, cap 30. These districts were, under that act, totally independent of each other; the foreign trade in corn being governed in each by its own distinct price, so that the ports might be open in one district, and closed in another. Scotland also was divided into four districts; the foreign corn trade of each being governed in the like manner. This system continued until the year 1804, when it was determined, by an act of that year, that the entire foreign corn trade of England should be governed by one ruling price, and the aggregate average price of the twelve maritime districts was fixed upon as the basis to form that ruling price; it was also enacted, that the entire trade of Scotland should be governed by the aggregate average of the four Scotch districts. In the year 1805 it was enacted, that both England and Scotland should be governed by one ruling price; and the aggregate average of the twelve maritime districts of England was then adopted

for that purpose. During this period, Ireland was considered, in relation to its trade in corn with Great Britain, as a foreign country; nor was it till the year 1806 that the perfect freedom of trade in corn between the two countries was established. The foreign trade of Ireland, as well as of Great Britain, is now governed by the same rule.

The first of these twelve maritime districts comprises the counties of Essex, Kent, and Sussex; but the price of that whole district is determined exclusively by that of the Corn Exchange in Mark-lane; and in order to ascertain the same, all corn-factors are required by law to return to an inspector, who is appointed by the proprietors of the Corn Exchange, an account in writing weekly of the quantities and prices of each and every sale of corn made by them, and the names of the buyers, and by what measure and weight sold; all which accounts the inspector must enter in a book to be kept for that purpose. If any sales are made by measure or weight, other than the Winchester bushel or weight of 57 $\frac{1}{2}$ l., he is to equalize them accordingly, and then cast up the total quantity sold in the week, the total money the same has been thrown for, and divide the money by the number of the quarters, and the result gives the average price for the first district. This account is transmitted to the receiver of corn returns. The inspector gives bond before the Lord Mayor, and makes oath to the due execution of his office, and is liable to be removed upon complaint; he has an office found for him, and a salary of 200 $\frac{1}{2}$ l. per annum, paid by a duty of a 1d. per last on British, and 2d. per last on Foreign corn brought into the Thames eastward of London Bridge; his books are not open to public inspection, but they are accessible to the receiver at all times, and to other persons, by or-

der of the Lord Mayor or two Aldermen. Every corn-factor is bound to make a declaration to return all sales made by him, with the names of the buyers, and by what measure and weight sold, under a penalty of 50 $\frac{1}{2}$ l.

The 2d district comprises the towns of Ipswich, Woodbridge, Sudbury, Hadleigh, Stowmarket, Bury, Beccles, Bungay, Lowestoft, Cambridge, Ely, and Wisbech.

The 3d district comprises the towns of Norwich, Yarmouth, Lynn, Thetford, Watton, Wymondham, East Dereham, Harleston, Holt, Aylesham, Fakenham, and Walsingham.

The 4th district comprises the towns of Lincoln, Gainsborough, Glamford, Briggs, Louth, Boston, Sleaford, Stamford, Spalding, York, Bridlington, Beverley, Howden, Hull, Whitby, and New Malton.

The 5th district comprises the towns of Durham, Stockton, Darlington, Sunderland, Barnard Castle, Wolsingham, Belford, Hexham, Newcastle, Morpeth, Alnwick, and Berwick.

The 6th district comprises Carlisle, Whitehaven, Cockermouth, Penrith, Appleby, and Burton.

The 7th district comprises the towns of Liverpool, Ulverston, Lancaster, Preston, Wigan, Warrington, Manchester, Bolton, Chester, Nantwich, Macclesfield, and Stockport.

The 8th district comprises the towns of Holywell, Mold, Denbigh, Wrexham, Llanroost, Ruthin, Beaumaris, Llancherymead, Amlwch, Carnarvon, Pwllheli, Conway, Bala, Corwen, and Dolgelly.

The 9th district comprises Cardigan, Lampeter, Aberystwith, Pembroke, Fishguard, Haverfordwest, Carmarthen, Llandilo, Kidwelly, Swansea, Neath, and Cowbridge.

The 10th district comprises Gloucester, Cirencester, Tetbury, Stow-on-Wold, Tewkesbury, Bristol, Taunton, Wells, Bridgewater, Frome, Chard,

Monmouth, Abergavenny, Chepstow, and Pontypool.

The 11th district comprises Exeter, Barnstaple, Plymouth, Totness, Tavistock, Kingsbridge, Truro, Bodmin, Launceston, Redruth, Helston, and St Austle.

The 12th district comprises Blandford, Bridport, Dorchester, Sherborne, Shaftesbury, Wareham, Winchester, Andover, Basingstoke, Farnham, Havant, Newport, Ringwood, Southampton, and Portsmouth.

An inspector is appointed for each of these towns by the magistrates in sessions; and the dealers in corn, viz. millers, maltsters, merchants, factors, agents, &c., are bound to make returns in writing of the quantity and price of each and every sale of corn, and by what measure or weight the same was bought, to the inspector of the town in which such purchase was made. He is bound to enter all these returns in a book, and transmit weekly an account thereof to the receiver of corn returns in London.

The total quantity of corn sold in each town is cast up, and the total of money for which the same was sold, after equalizing the weights and measures (if any variations are found therein), and then dividing the money by the quarter, the result gives the average price of that town; these average prices of each town being thus found, are ~~added together~~, and, being again divided by the number of towns, give the average of such district; and the averages of the districts thus found are added together, and, being divided by

12, give the aggregate average of the whole 12 districts; and the combined aggregate average price of the six weeks preceding the 15th May, August, November, and February, determines the opening and shutting of the ports at those periods respectively\*.

The country inspectors are bound by oath to the due execution of their office, and are removable by the magistrates. They are bound to enter all returns in a book, the inspection of which is open to the receiver and to others, by order of two magistrates.

They are allowed five shillings for every return, out of the county-rate, which was reimbursed by the Receiver-General of Customs formerly out of duties received on the importation of foreign corn; but the same having been repealed, the charge is left upon the custom duties generally. Magistrates may order further remuneration out of county-rates, but can obtain no further reimbursement.

All dealers are bound to make a declaration that they will make true and faithful returns, according to the directions of the statute, and are liable to a penalty of 10*l.* for every neglect or default, or false return.

The Privy Council have power to change the towns from whence returns are required to be made, upon the representation of magistrates in Sessions. Your Committee having thus detailed the principal provisions of the existing law for collecting the returns of prices and forming the averages, which they think, with some few exceptions, are well constructed to accomplish the

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\* By the Act 55 Geo. III. c. 26, § 5, it is, however, enacted, that if, after the opening of the ports for the importation of foreign corn, &c., the price of any such corn, &c., should, in the first six weeks following such opening, fall below the prices at which foreign corn is allowed to be imported, the ports shall be shut against the importation of that sort of foreign corn, from any place from the Eyder to the Bidasoa, for the last six weeks of that quarter, or until a new average shall be made up and published.

object of the legislature, if duly executed, have now to state the result of their inquiry as to its execution, the existence of any frauds, the liability to fraud, and the means of prevention; and in the first place, with regard to its execution, they feel themselves warranted in saying, upon the concurrent testimony of all the witnesses, that, with the exception of the returns taken at the Corn Exchange, the greatest neglect and inattention have universally prevailed; the returns taken at the Corn Exchange appear to be regular and correct, and the persons bound by law, *v. z.* the factors, obey the injunction of the statute. Your Committee remark here, that the returns are made by factors only; that is, persons employed to sell on commission; and consequently, that all purchases made by millers, maltsters, and merchants, of the growers or shippers of corn, or agents or persons other than factors, do not come into this return. Your Committee are not aware of the reasons that induced the legislature to determine the price of the first district by the criterion of the Corn Exchange; it appears to them, that it would be more consonant to the spirit of the law to take the price from the principal towns of Essex, Kent, and Sussex, in order to estimate the real average price of corn in those three extensive maritime counties. The consumption of London requires the higher quality of grain, and probably does not therefore consist of the best growth of those counties, to the price of which must be added the cost of transport to market.

In regard to the other districts, your Committee find, as above stated, universal neglect; and they have reason to think that a very inconsiderable proportion of the quantity sold weekly is ever returned. Your Committee think that an inspection of the paper mark-

ed (A) is sufficient alone to exemplify and prove that opinion; the house will see that the weekly average sale in many of the most celebrated cities and towns is so exceedingly small, as to form in itself conclusive proof that no attention whatever is given to the collection of returns; indeed, it often occurs, particularly in Manchester, Macclesfield, and Stockport, returns are made to the receiver of "None sold." From Plymouth the inspector returned 3 quarters of wheat in one instance; and 7, in another, have formed the total return for the week; when it is in evidence, that a single dealer will often sell 200 quarters in that place on one market-day. The inspector says, that not one-tenth of the dealers ever make any return at all. At Bristol, 39 quarters of wheat appear, in one instance, to have formed the total return; 25 in another; and on one occasion, none was returned. It is supposed, nevertheless, by the inspector, that the weekly sales are from 1500 to 2000 quarters; and although there are about forty factors and dealers in corn in Bristol, yet not more than six or seven have ever signed the declaration, or ever make any returns. At Liverpool similar neglect is stated to prevail. Your Committee do not think it necessary, therefore, to go further into this part of the subject. Many of the witnesses have produced statements of sales of their own, compared with the returns under the act, to shew that in many cases they are widely different; in general, they suppose that the aggregate average is higher than their sales; but this does not appear to be uniformly the case, though there are undoubtedly many circumstances that may have a tendency to bring the high-priced wheats into the return rather than the low. Millers and bakers, when concerned in making the return, may have an interest in making the



price (particularly in towns where an assize of bread is set) appear high. Merchants and factors of foreign corn may have the same inducement to open the ports and warehouses. Farmers have a pride in the quality of their growth of corn, as proved by the sale, and often give large measure, or make up deficiency of weight by additional quantity. It is also in evidence, that a very general inattention prevails in respect to the use of the legal standard, and that every deviation is an increase upon it.

In regard to the practice of any fraud, with a view to create an influence on the price which each quarter-day is to govern the opening and shutting the ports, your Committee have to report, that no instance has been actually proved before them to have succeeded in producing the effect desired; but two or three cases are stated in evidence, in which, according to the opinion of the witnesses, such an attempt has been made.

A great difference of price between the returns from the Corn-Exchange and those in the factors' letters has been shewn to exist in each of the six weeks preceding the 15th November, 1818, wherein it appears sometimes that the letters give an advice of price, whilst the Corn-Exchange return shews a fall, and *vice versa*, particularly in the last of the six weeks, when a great fall took place in the Corn-Exchange return, but no correspondent depression, according to the factor's letters. The average of Kent and Essex is also shewn at the same time to be much at variance with the returns of the Corn-Exchange; the first five of the six weeks were 3s. 4d. above the price of these counties, the sixth week 2s. 2d. below them. From these circumstances the witness thinks that an inference may be drawn, that in these five weeks the Corn-Exchange return was influenced by artificial

means, so as that the ports were kept open that quarter-day by 2d. in spite of a counter effort, which he states to have been made in the last week, which was intended to shut them; in that week a fictitious sale of Scotch wheat, to the extent of 1000 quarters, was made upon the market, at a price of 60s., which was entered in the inspector's returns, and, being much below the average price, had of course an influence in depressing the return price of that week, but not so as to effect the object in view, as the ports did, as above stated, open that quarter-day by 2d.

A very striking instance of fraud is stated also to have been practised at Liverpool, which was not detected till it excited observation on the part of the receiver in London. On that occasion returns were made to the following effect:—2300 qrs. of British wheat, at 50s. per qr., whilst the true average of the market was from 68s. to 70s.; 2000 qrs. of oats, at 18s. per qr., whilst the true average was 23s. to 24s.; 1000 qrs. of beans, at 35s. per qr., whilst the true average was 48s. to 50s.; 500 qrs. of peas, at 38s. per qr., whilst the true average was 48s. to 51s. The parties by whom these returns were made were understood to be considerable holders of British corn, and were induced to resort to this mode of reducing the general average, to promote the purpose of their speculations, and to render more improbable the ports being opened for the importation of foreign grain. From the careless manner in which the business of the inspector had been conducted, this fraud escaped detection in Liverpool.

But, notwithstanding your Committee have received no proof of frauds beyond what are here stated, they are of opinion that there are some circumstances particularly arising from the mode pursued of computing the

average ruling price, which afford great and obvious facilities to fraud; these facilities exist, too, without violating the letter of the law. They have not been practised hitherto, partly because the extent to which they exist has not been generally known, and partly because in former times the inducement was not so strong as at present; within the last few years more extensive speculations in foreign corn have been carried on than formerly. It is obvious, that whilst the difference is so great between the Continental and the British price of corn as at present, the latter being on an average double the price of the former, every temptation exists to get in a large quantity of foreign corn, and then to shut the ports; and as the importation price is fixed at 80s., which is also supposed to be the lowest price at which it can be grown, the market price will (except at particular periods, and under peculiar circumstances) be within a very few shillings of the import price, and, of course, the approach to the quarter-day is likely to produce a struggle between the parties concerned, according to their respective interests. In the early periods of the corn laws, the import-price was fixed so much above the remunerating market-price, that an occasion for such struggles, and consequent perpetual speculations, could rarely occur; not was the difference between the British and Continental price at that time so considerable as to excite so much interest, as now exists.

In order to explain fully these facilities of fraud, which arise out of the present mode of computing the aggregate average, it is necessary to refer to the paper in the Appendix marked (A), in which the amount of the weekly sales for the year 1819, in each of the twelve districts respectively, is set forth. It will be seen, that the average weekly sales in the

6th district amount only to 259 quarters, 6 bushels; in the 8th, to 274 quarters, 2 bushels; and in the 9th, to 135 quarters, 3 bushels.

These quantities, being so small, are obviously liable to be operated upon to a great extent by purchases made at a trifling sacrifice; and, as each district forms like a twelfth of the aggregate, three form a fourth; and any undue influence created therein must produce a great alteration upon the price on which the opening or shutting of the ports depend: thus, if the price was advanced 4s. in these three districts, the aggregate would be advanced 1s.; if 6s., 1s. 6d., and so in proportion; a great effect upon the aggregate price must follow thereupon. It is true, that if a more rigid execution of the Act should bring a larger quantity of corn into the returns of these districts, the facility of influence over the price would be diminished in proportion; but still the computation of the averages upon a dividend of the whole quantity into twelve, and three or four of these twelve being comparatively small, great temptations to influence the aggregate price, by operations carried on in those smaller districts, would still exist. To obviate the occurrence of so great an evil, your Committee venture to propose, that the total quantity of corn sold in the 139 towns of the twelve districts should, by the receiver of corn returns, be thrown together and cast up; also the total amount of the money for which the said was sold, and the money divided by the number of quarters; thus dividing once only to find the aggregate average price, instead of extracting it by the complicated calculations before described. The average total of weekly sales in the 139 towns, according to the paper in the Appendix, marked (B), amount, in the six weeks ending 13th May last, to 25,114 quarters.

This quantity, drawn from so many different markets, appears to your Committee to be above the means of any fraudulent influence; and as a more rigid execution of the law will add considerably to the quantity of corn now brought into the returns, the difficulty of fraud will be so much further increased, as in the opinion of your Committee to remove all apprehension of such an occurrence in future.

Your Committee think that a new Act may be necessary to authorize the computation of the aggregate average price in the manner thus proposed. The direction of the Act of the 44th Geo. III. cap. 109, as to the manner of computing the aggregate averages, is not very definite; but one uniform practice has prevailed since that period, which of itself may be supposed to have determined the law, and make a new Act necessary. Your Committee have particularly turned their attention to an examination of the effect that would be produced, as to the opening or shutting of the ports, by adopting the mode proposed of computing the average, instead of that at present in use; as they are sensible, that if the opening of the ports was likely to be retarded thereby, it would be productive of an effect which at present is not in the contemplation of the House. They therefore directed the receiver of corn returns to compute the average price of each of the six weeks ending the 13th May last, in the established mode, and, in that proposed, which is accordingly set forth in the paper marked (B) and (C), by which it will be seen that the difference is very trifling, so as rarely in any instance to exceed the fraction of a shilling, and that fraction more frequently higher than lower, according to the mode now practised. Should the proposed mode be adopted, the returns

from the inspectors to the receiver in London may be made exactly in the same form and manner as at present. It will be the business of the receiver, when the returns are all come in, to add the quantities all together, and strike the general aggregate average.

Your Committee are of opinion, that, in order to ensure a due execution of the law, some further enactments and regulations are necessary to be adopted. In the first place, they think that the Board of Trade should be furnished by law with greater means of general superintendence and direction than they at present possess. Secondly, they think it necessary to observe, that the inspectors have not at present an adequate salary for their trouble. The country inspectors are paid 5s. only for each return, and though the magistrates have a power to increase that allowance out of the county-rates, it does not appear to have been done in any instance.

The inspector upon the Corn-Exchange appears to be adequately paid by the proprietors thereof, and the receiver of corn-returns is appointed by the Treasury, and it is presumed he either is or may be sufficiently paid for the due execution of his office, which is certainly an office of great trust and responsibility, and requires the constant attention and utmost vigilance of those employed in it.

Your Committee are also of opinion that various other regulations might be adopted that would tend to the obtaining of more correct returns.

The inspectors should be furnished with directions and printed forms for making up their books and returns; the latter have indeed been lately supplied to them by the receiver; their books should be open to inspection, under regulation, to buyers and sellers, so far as relates to their own individual sales or purchases; the average price of each town should be posted

in the market-place so soon as the same has been cast up, and again at the opening of the market on the subsequent market-day; and the total quantity of corn and total of money should be given at the same time.

Your Committee are of opinion, that though it is proposed to ascertain the aggregate price which is to govern the foreign trade by the total quantity received from all the towns in the twelve districts added together, yet that it may be useful to shew the weekly average of each district, and quantity sold therein.

The inspectors should every quarter produce their books to a general or petty sessions, to have them examined and signed by the magistrates thereof; and it is also expedient that the weekly aggregate of the twelve maritime districts, with the quantity and price, should be published in the Gazette.

Your Committee think it necessary here shortly to advert to certain provisions of the 31st of his late Majesty, under which returns were made of the prices of corn from the inland counties, and which still continue in conformity thereto to be received and made up, and weekly published in the Gazette. That Act recites, that "whereas it would be highly useful that an account should be obtained of the prices at which the several sorts of corn, &c. are sold in the several inland and other counties of the kingdom, from which returns were, not hereinbefore directed to be made, in order that a register thereof may be formed and published, for the information and benefit of his Majesty's subjects." The Act then provides for the appointment of inspectors, and the general execution in like manner as is provided in respect to the maritime counties, and the returns then received are entered in a book kept for that purpose, and once in every

week "an abstract of the average prices made up and computed in manner hereinbefore respectively directed, from all the returns received, as well from the several districts of the said twelve maritime counties of England and Wales, as from the counties, cities, and towns thereinbefore mentioned; and this total is denominated the average of England and Wales. Your Committee have carefully examined and compared the prices returned by this total of inland and maritime counties with the price of the maritime counties only; the difference is trifling, and varies so as sometimes to be above and sometimes below the prices of the maritime districts. Comparative prices will be seen in the paper marked (D); the inland counties therefore might be added, if thought advisable, to the maritime, in order to form the governing price. But your Committee do not take upon themselves particularly to recommend this alteration in the law, as the maritime counties alone have been taken as the basis on which to form the governing price, under the Act of the 55th of his late Majesty.

Upon the same principle on which the prices of the inland counties have been ascertained and published weekly in England, it would be desirable to direct similar returns to be made weekly also from Scotland and Ireland. From the former country it may be done without any fresh enactments, as quarterly returns still continue to be received from those under the directions of the 31st; and for the same reasons, that there should be published quarterly in the Gazette, average prices, made up from the returns received from the whole of the united empire.

It appears reasonable that Irish corn should be considered as British corn when sold in the British market, and admitted as such into the returns.

Your Committee having received some intimations of frauds committed under the warehousing provisions of the 55th and the 31st Geo. III., and that foreign corn was taken from under the King's lock and thrown upon the market, proceeded to make some inquiry thereupon, but were not able to discover that any such frauds had been actually committed. They are of opinion, however, that it would be useful to provide a check against such an occurrence, by not only measuring the corn into the warehouses, but occasionally gauging the quantities, and measuring them out again, as well when the locks are taken off for home consumption, as for exportation.

It had also been suggested to your Committee, that frauds had been committed by introducing foreign grain into ships taking cargoes coastwise, going out half loaded, and filling up with foreign corn on their voyage; but no evidence has been adduced to establish the existence of such a practice. It has also been said, that flour has been introduced from the United States of America, through the medium of our colonies; and one witness has stated that a mercantile house at Liverpool offered to supply him through that medium; but your Committee have received no further testimony thereof. They are certainly of opinion that it is highly desirable that the officers of the customs should, under the direction of Government, be ordered vigilantly to guard against any attempt of this nature to defeat the object of the legislature.

July 8, 1820.

## REPORT

*From the Select Committee appointed to consider of the Means of Main-*

*taining and Improving the Foreign Trade of the Country.*

The Select Committee appointed to consider of the means of maintaining and improving the foreign trade of the country, and to report their opinions and observations thereupon to the House; and to whom the several petitions relating to the commercial restrictions, and to the duties on timber, presented in the present session, were referred; and who were also empowered to report, from time to time, to the House, have, pursuant to the order of the House, considered the matters to them referred, and have agreed upon the following Report:

It has appeared to your Committee, that the means of attaining the object to which their consideration has been directed by the order of the House, consisted less in affording any additional legislative protection or encouragement to the commerce of the united kingdom with foreign states, than in relieving it from a variety of restrictions which the policy of a former period imposed upon it; and which, whether expedient or otherwise at the time when they were enacted, having ceased to be necessary for the purposes which originally recommended them, tend to embarrass its operations, and impede its extension and prosperity. Your Committee are satisfied that the skill, enterprise, and capital of British merchants and manufacturers, require only an open and equal field for exertion; and that the most valuable boon that can be conferred on them is, an unlimited freedom from all interference as may be compatible with what is due to private vested interests that have grown up under the existing system, and those more important considerations with which the safety and political power of the country are intimately connected.

Your Committee have therefore

thought, that they should best consult the intentions of the House by directing their immediate attention to those regulations which, under the same either of restrictions or protections, operate in controlling the commerce of the kingdom, in order to estimate their nature and effects; and to judge in what degree it may be prudent to retain them, and in what instances (subject to the considerations referred to) their removal or modification may be recommended with safety and advantage.

In contemplating the range of the duty assigned to them, and the variety and importance of the objects of investigation embraced by it, your Committee were of opinion, that the most convenient course they could adopt would be, to take the subjects up under distinct heads, and report upon them in succession; by which the House might be enabled, not only to form its judgment more easily on each subject, as separately submitted to it, but also more readily to give effect to its judgment, when formed, by such legislative enactments as in the respective cases might seem expedient.

Before, however, your Committee proceed to advert to the points which have been the principal objects of their inquiry, they are anxious to call the observation of the House to the excessive accumulation and complexity of the laws under which the commerce of the country is regulated; with which they were forcibly impressed in the very earliest stage of their proceedings. These laws, passed at different periods, and many of them arising out of temporary circumstances, amount, as stated in a recent compilation of them, to upwards of 2900, of which no less than 1000 were in force in the year 1815, and many additions have been since made. After such a statement, it will not appear extraordinary that it should be matter of complaint

to the British merchant, that, so far from the course in which he is to guide his transactions being plain and simple; so far from being able to undertake his operations, and to avail himself of favourable openings, as they arise, with promptitude and confidence, he is frequently reduced to the necessity of resorting to the services of professional advisers, to ascertain what he may venture to do, and what he must avoid, before he is able to embark in his commercial adventures, with the assurance of being secure from the consequences of an infringement of the law. If this be the case (as is stated to your Committee) with the most experienced amongst the merchants, even in England, in how much greater a degree must the same perplexity and apprehension of danger operate in foreign countries and on foreign merchants, whose acquaintance with our statute book must be supposed to be comparatively limited, and who are destitute of the professional authorities which the merchant at home may at all times consult for his direction. When it is recollected, besides, that a trivial unintentional deviation from the strict letter of the acts of parliament, may expose a ship and cargo to the inconvenience of seizure, which (whether sustained or abandoned) is attended always with delay and expence, and frequently followed by litigation, it cannot be doubted that such a state of the law must have the most prejudicial influence both upon commercial enterprize in the country, and upon our mercantile relations and intercourse with foreign nations. And perhaps no service more valuable could be rendered to the trade of the empire, nor any measure more effectually contribute to promote the objects contemplated by the House, in the appointment of this Committee, than an accurate revision of this vast and confused mass of legislation, and the establishment of some

certain, simple, and consistent principles, to which all the regulations of commerce might be referred, and under which the transactions of merchants, engaged in the trade of the united kingdom, might be conducted with facility, with safety, and with confidence.

The commercial restrictions, to which the intercourse of the united kingdom with foreign states is subjected, may be classed under three heads—first, those intended for the improvement of its navigation, and the support of its naval power; secondly, those which arise out of the necessity of drawing from commerce, in common with other resources, a proportion of the public revenue; and, lastly, those necessary to the protection afforded to various branches of our domestic industry, for the purpose of securing to them the internal supply of the country, and the export to its several colonies.

The head of restrictive protections, to which the attention and inquiry of your Committee has been in the first instance directed, is that which comprehends the acts intended for the support and extension of British shipping.

It would be superfluous to pursue the history of our laws for the promotion of British commerce and navigation, from the earliest period at which the subject appears to have occupied the attention of the legislature, to the reign of Charles II., when they were brought nearly to that state in which, with some subsequent modifications, they have since continued.

Whatever may have been the principles which dictated, or the political benefits that have accrued to the country from the acts passed in the 12th, 13th, and 14th of Charles II., and known by the name of "The Navigation Law, and Statute of Frauds;" it can scarcely be denied, that they have a tendency to cramp the operations of commerce, and to impede the growth

of that opulence which may arise from foreign trade.

The provisions of these laws apply, first, to the regulation of the trade with Asia, Africa, and America, and the territories of the Grand Seignior and the Duke of Muscovy. Secondly, to that of the trade with the other states of Europe.

The leading principle in reference to the former is, that no goods, the produce of Asia, Africa, or America, and the territories specified, shall be imported into this kingdom, but directly from the place of their growth, and exclusively in British ships, owned by British subjects, and navigated in a certain proportion by British seamen. To the latter, that goods enumerated, coming from different countries of Europe, shall be imported either in ships built in the states of which they are the produce, and owned and navigated by their subjects, or in ships of Great Britain, except from Germany and the Netherlands, which are by name partially excluded. From these last-mentioned countries certain articles are prohibited from being imported into Great Britain, in any ship whatever, under the penalty of confiscation of the ship and cargo.

A just respect for the political wisdom from which the enactment of the navigation laws originated, and a sense of the great national advantages derived from them in their effects on the maritime greatness and power of the kingdom, have rendered them objects of attachment and veneration to every British subject. Nor can your Committee suppose that any suggestions they may offer, can lead to a suspicion of their being disposed to recommend an abandonment of the policy from which they emanated; or to advise, in favour of the extension of commerce, a remission of that protecting vigilance under which the shipping and navigation of the kingdom have so eminently

grown and flourished. The only question which, on this subject, they have entertained, is, whether the advantages hitherto enjoyed by our shipping might not be compatible with increased facilities afforded to trade, and its relief from some of the restrictions which the provisions of these laws impose upon it. They are convinced, that every restriction on the freedom of commerce is in itself an evil, to be justified only by some adequate political expediency; and that every facility that can be extended to it is a benefit to the public interest, as leading, amidst the incalculable changes and accidents occurring in the circumstances of nations, and of society, to the certain consequence of laying open new means of exertion to mercantile ingenuity and enterprise, and disclosing to commerce new sources of eventual advantage, far beyond the power of human foresight distinctly to appreciate.

This being the admitted principle, it must be regarded as subject to all the precaution in its application which interests embarked under the faith of existing laws, and a due consideration of the difficulties attending an extensive change in a long-established, though defective system, ought prudentially to inspire.

The prohibition contained in the act of the 13th and 14th of Charles II. c. 2., in respect to Germany and the Netherlands, was the first direct object of your Committee's examination, with a view of ascertaining whether the distinction, applying to those parts of Europe, might not be safely and usefully abrogated. The purpose for which it was originally enacted has long been fulfilled; and from the evidence of the gentlemen examined, touching the different interests which such an alteration might affect, your Committee are of opinion, that certain benefit, without any probable chance of injury, would result from it, both to the com-

merce and shipping of the United kingdom. Your Committee beg to refer to the examinations of Mr Frewin, Mr Buckle, Mr Lyall, Mr Bowden, Mr Hall, Mr Nichol, &c. on this subject. A doubt appeared to be entertained by the first of these gentlemen as to a possibility that the alteration in question might be attended with some trifling diminution of the revenue; and by others, that it might produce some prejudice to the British shipping employed in the commerce of the Mediterranean.

With respect to the first point, it is to be observed, that no diminution of revenue could arise, unless from importations taking place in British shipping which had hitherto been made in foreign vessels, and the reduced rate of duty in consequence to be received; as, however, this contingency involves in it a certain compensation in the increased employment of British shipping, your Committee do not consider it as a material objection to an alteration in other views appearing to be desirable. In respect to the remaining objection, that it was possible the trade might be conducted through the medium of cheap Greek and Genoese shipping; and the merchandize of the Mediterranean be thus carried to the neighbouring ports of Holland or the Netherlands, for trans-shipment and conveyance to the United Kingdom in British vessels; it is an apprehension in which, for reasons to be stated in a subsequent part of their report (applicable to these as well as other ships of a cheap description,) your Committee cannot participate, or be induced by it to entertain any greater doubt of the commercial safety and convenience, than of the political justice and utility of placing our commercial intercourse with every European state in amity with Great Britain on a footing of equal facility and freedom.

Having satisfied themselves on the



expediency of permitting the importation into the united kingdom, in British ships, of articles the growth or produce of European states, from any European port, without reference to the place of their growth or production; the next subject which engaged the consideration of your Committee, was the extension of the same latitude of importation to articles the produce of Asia, Africa, and America, to which the restrictions of the Act of the 12th of Charles II. have been stated principally to apply.

The evidence adduced before your Committee, on this point, is more at variance than that on the point before adverted to. Although it cannot be denied that every additional degree of freedom is generally beneficial to commerce, and no alarm seemed to be entertained by merchants engaged in general trade who were examined, in respect to the probable effects of such a relaxation of the law on the navigation of Great Britain; yet those whose interests were more exclusively connected with British shipping, expressed considerable alarm lest the proposed alteration should be followed by a change in the existing course of trade, by which their interests might be eventually affected; and represented, that if any benefit accrued to commerce by the increased facility afforded, it might be chiefly to the commerce of foreigners; and that the participation of British shipping in the conveyance of the produce of the distant parts of the world, might be confined to the transport from the ports of the continent to those of the united kingdom, while the more valuable and extended navigation devolved upon the shipping of foreign states. Your Committee have felt the importance of this representation, and examined it with the attention it appeared to deserve. They are conscious that the commercial results they sanguinely anticipate from

the establishment of a system more enlarged and liberal than that under which the British trade has been hitherto conducted (of which this relaxation of the navigation laws forms a part) could be deemed a satisfactory compensation for any serious hazard to which the interests of our shipping might be exposed; but they have found no reason to believe, that the probable consequences of adopting the measure under consideration would be, to incur the danger described, or to transfer to foreigners any of the advantages now possessed by British ships.

In proceeding to state the grounds of this impression, your Committee are desirous of recalling to the recollection of the House, that the laws in question have been subjected to alteration at different periods, and their principle relaxed whenever a new state of political circumstances appeared to Parliament to afford sufficient reasons for such a change. Under the regulations which the King in Council was authorized to make, by the 23d of Geo. III. cap. 59, and subsequently by the 49th of Geo. III. cap. 59, followed recently by the 59th of Geo. III. cap. 54, the manufactures and produce of the United States of America have been admitted into the united kingdom, not only in British ships, but in ships of the United States, or condemned as prize to them, and owned and navigated by their subjects. By the 51st also of the late King, a similar relaxation of the law was made in favour of the produce and manufactures of the territories of the Crown of Portugal in America, during the continuance of the treaty concluded with that power in the year 1810. The latter arising out of the changes that had taken place in the political situation of the Brazils; as the former did out of the national character acquired by the United States of America, by their separation from Great Britain.

Both these relaxations may be said to have been a diminution of the protection afforded by the navigation law to British shipping; but a diminution which political considerations demanded, and which was indispensable to the continuance of our commercial relations with those countries.

The navigation laws have been also relaxed in regard to the trade between the British colonies and the mother country, as well as in several instances with respect to particular articles of merchandize, which your Committee do not think it necessary here particularly to enumerate.

The principle of restriction laid down in these laws having been relaxed from these considerations of political or commercial expediency, it will be for the wisdom of the House to judge whether the same considerations may not lead to a further relaxation of it, and authorize the withdrawing of a restriction which, if not essential to the support of our shipping, is maintained not only unprofitably but injuriously to ourselves, as embarrassing the operations of our merchants, and contributing to the jealous and hostile feelings with which the prohibitory character of our commercial system has long been contemplated by foreign nations.

The danger stated in the evidence to be apprehended, seems chiefly to rest on the cheapness of foreign ships compared with those of the united kingdom, particularly the ships of the northern states of Europe, where labour, wages, and the materials of building and equipment, are at a rate much lower than in Great Britain. If the question was to be determined by the comparative cheapness of the ship alone, this fact would be conclusive; but it appears to your Committee that other considerations must have their share in deciding the preference likely to be given to the foreign ship; the effects of which, as detailed in the evidence of Mr Buckle,

appears to your Committee sufficient to balance the admitted cheapness of foreign construction and equipment.

The importation of the produce of Asia, Africa, and America, into the united kingdom, excepting the territories of Portugal and the United States, under the proposed alteration, is still reserved exclusively to British shipping, which infers the necessity of a previous importation into the continent, if it should be brought to Europe by foreign ships. The difference between a direct and a circuitous voyage, in the expenses and delays attending the entrance into, and trans-shipment of goods in, a foreign port, and a second voyage to be performed in a British ship; the increased time (estimated at one-fifth) required for the performance of a distant voyage in a foreign ship beyond that required in a British one; the difference in point of security, and consequent increased charge of insurance on the cargo, appear to your Committee to attach a disadvantage to the employment of the foreign ship, fully equivalent to the difference of the rate of freight, as stated in favour of the cheaper ships of certain European states; and indeed it is repeatedly admitted, that wherever British ships are to be obtained, to them the preference (except under special circumstances) is universally given.

If in any case the argument drawn from the comparative cheapness of the ship could apply, it would be in respect to articles of great bulk in proportion to their intrinsic value, on which the rate of freight operates most heavily; of these articles cotton is one of the most considerable. Cotton, under the existing law, may be imported into the united kingdom from any place whatever in a British ship; but it does not appear to your Committee, notwithstanding the constant demand for it in the manufactures of this country, that foreign

ships have been employed in a circuitous conveyance of it through the continent; or that any quantity has been imported otherwise than in British ships, and directly from the place of its growth, except in a single instance, under very peculiar circumstances.

The trade with the United States of America, it is said, is carried on principally in American shipping; but if, as is alleged, the American vessel has no advantage over the British one in point of cheapness, the competition in any other than the American trade cannot fail to be in favour of the British ship coming to the United Kingdom, in which the voyage is performed directly; while by that in the American ship the cargo can only reach its destination circuitously, subject to the additional inconvenience, delay, and expense of trans-shipment in a foreign port.

The danger, therefore, of a circuitous conveyance being generally substituted for the direct one, of the foreign for British shipping, in the trade with distant parts of the world, does not excite in your Committee any apprehension; and this observation, as well as the grounds on which it rests, in the opinion of your Committee, apply equally to foreign ships of the cheaper description, whether of the countries in the south or north of Europe, the Greeks and Genoese, not less than those of Denmark, Norway, and Sweden.

It has been represented to your Committee, that the effect of the suggested alteration might be, partially to reverse the course of the trade as now conducted between India and Europe. A great proportion of this trade is at present confined to British ships. The cargoes consist in an assortment of light and heavy articles, of which the heavy form the largest though least valuable part; the former

are chiefly consumed on the continent, the latter within the united kingdom. Owing to a market for the lighter and more valuable part of the cargo not being afforded except in Great Britain, the prohibition on the importation of the produce of Asia from any European port, and the necessity of an assortment of the cargo, such as described, the Continental supply of the more bulky articles has been hitherto, in a considerable degree, received through the United Kingdom. These articles, which are most affected by the rate of freight, may, it is feared, be conveyed directly to the continent by means of foreign navigation, if a market were opened to the lighter articles with which the cargo must be completed, by admitting their ulterior importation into this country.

That this may happen occasionally, your Committee think far from improbable; but it is the permanent and habitual course of trade, and not the occasional or accidental deviations from it, that is the object to which the attention of the legislature should be directed. So far from feeling these occasional exceptions to be a matter of jealousy, your Committee are disposed to consider the denial of facilities of this kind to foreigners, as a policy of useless severity, which has already produced effects highly unfavourable to the general commercial interests of the country.

The probability of the circuitous course of trade becoming habitual, must arise from the comparative advantages it promises to those who may engage in it. These must be sufficient to compensate for the inconvenience and additional expense of the circuitous conveyance of the most valuable part of the cargo, and also its liability, in the markets of the united kingdom, to certain competition with a supply brought directly in our own

ships; this is a considerable risk. It may be at the same time matter of some doubt, whether the conveyance of the bulky articles to the continent in a foreign ship would be upon the whole much more economical than in a British one; and if to this, the inevitable risk described, bearing upon the most valuable part of the cargo, is added, there seems little reason to fear that such conveyance would be habitually preferred, even if no peculiar advantages existed in favour of British shipping in carrying on the commercial intercourse with India.

In all the ports of the British possessions in India, (which include most of the principal ports of export,) it must be remembered that a difference in the duties imposed on the exportation of goods, to the amount of five per cent., exists in favour of the British ship. The ships from the continent are understood to be in general chiefly dependent on their return cargo to answer the whole charge of freight, whereas a British ship going out loaded with merchandize is enabled to divide the charge of freight between the outward and homeward voyage; a circumstance which gives an obvious advantage in the expense of homeward freight to a British ship. Nor must we forget that a considerable portion of the funds of the Indian trade are supplied by the remittance of the acquisitions of British subjects, to be realized or expended in their native country; that a great part of the export trade of India is through the East India Company; that the individuals through which the greatest proportion of the remainder is conducted, are sprung from the united kingdom, whose commercial connexions are with British houses and British merchants, and whose feelings and interests are exclusively British. When all these circumstances are considered, without giving to them more

weight than is justly due, your Committee cannot find reason for presuming that the great tide of the trade from India will be diverted from its accustomed course; and that notwithstanding the proposed change in the law, the Continent will not continue still to receive the proportion of its supply hitherto furnished by British trade, through the ports of the united kingdom. No real danger, therefore, to British navigation is contemplated by your Committee as likely to result from the suggestion they are about to offer; nor do they doubt that the preference our shipping possesses will be as extensively and securely, as well as much less invidiously, enjoyed, when arising from the advantages that fairly belong to it, than when apparently the effect of legislative protections and prohibitions. When they consider, too, that under the more general freedom it would establish, British merchants in every foreign port might make their purchases, assort their cargoes, and pursue their speculations, without any of the doubts and apprehensions by which they are now checked and embarrassed; and the still greater advantage of the recognition of a principle that would tend so much to introduce clearness and simplicity into the regulations of our commercial system. Your Committee feel it their duty to recommend to the consideration of the House the relaxation of the principle of the Acts of the 12th, 13th, and 14th of Charles II., to the extent of admitting the importation into the united kingdom of the produce of every part of the world, from every part of the world, without reference to the place of their growth or produce, provided such importation be made in British ships.

Notwithstanding your Committee are able to perceive no serious objection to the adoption of this measure,

yet feeling it impossible to calculate with certainty all the bearings and consequences of an alteration so extensive in its operation, they should offer it with more diffidence, if they were not convinced that it is easily susceptible of modification, should circumstances hereafter arise to render such a modification essential to the protection of any of the great objects which every consideration of the national safety and power imposes the duty of inflexibly maintaining. Flowing as this concession will do from the spontaneous and liberal feelings of the British legislature, neither granted as the condition of advantages obtained from other states, nor guarded by any pledge of the public faith, should it be attended with consequences inconsistent with the regard due to those objects, it may, without affording the slightest ground for reasonable complaint, or the impeachment of our justice or liberality, be subject at any time to such modifications as may be required, or even, if necessary, be absolutely revoked.

The warehousing or bonding system appeared to your Committee so much connected with the subject of their preceding recommendation, that they have thought it right to include it in this part of their inquiry, as well as in their present Report. If, contrary to their expectation, any of the apprehensions created by the proposed relaxation of the navigational laws should be realized, it is in the improvement and perfection of the warehousing system they confidently anticipate an ample compensation to every interest connected with the shipping of the United Kingdom.

The origin and progress of the warehousing system is detailed at length in the evidence of Mr Frowin, to which your Committee beg to refer. From that statement it will appear, that the privilege of being warehoused for

exportation is confined to certain enumerated foreign articles; and that only certain ports of the united kingdom, and those unequally, are open to receive them.

This distinction made in respect to ports, arises only from the degrees in which they possess the means of affording accommodation and security to the collection of the revenue. Whenever it appears to the Lords of the Treasury, that sufficient provision is made for these objects, every port becomes eligible to receive the advantage of having goods warehoused within it. Your Committee do not feel any alteration to be required on this point; as they are not aware that the extension of this privilege to each particular port, and the limitations under which it should be done, can be better regulated than by the discretion of those to whose superintendence and responsibility the collection of the public revenue is intrusted.

To the Treasury also has been delegated the power of making additions to the list of such enumerated articles as may be admitted to warehouse; which they have occasionally exercised. The principle of the law is, however, restrictive; and, notwithstanding the articles admitted are numerous, has still a very extensive operation.

The result of the evidence received by your Committee on this subject, has made a strong impression of the advantages that would arise from giving the most unlimited extension to the warehousing system. They do not conceive the ports of the united kingdom can be too widely opened to the importation of every description of foreign merchandise for re-exportation to any part of the world, exclusive of the British colonies; exempt (with few if any exceptions) from all duties in passing through them, as well as relieved from every charge and

inconvenience, which the safety of the revenue, justice to individuals, and the interests of commerce itself, do not impose the necessity of continuing. While we preserve to our own manufactures a preference in the home market, and the supply of our colonial possessions, additional facilities will thus be furnished, and all practicable inducements tendered, to foreign as well as British capital, to collect in the depositories of Great Britain, materials for every variety of traffic with every quarter of the world.

The benefits the nation cannot fail to reap from such a measure, in the improvement of its commerce, and the augmented demand for its manufactures and shipping, are so obvious, that your Committee feel it unnecessary to occupy the attention of the House by dwelling upon them in any detail. In the examinations to this point, it is readily acknowledged, that great general advantage is likely to arise from the facility which would be afforded to British as well as to foreign merchants to make the assortment of their cargoes in this country; the effect of which, it is justly presumed, would be to render the united kingdom the place in which a great proportion of the commercial adventures of the world would take their origin. And while the assortment of British manufactures with foreign merchandize in the completion of cargoes for the respective adventures, whether on British or foreign account, would largely contribute to the demand for the production of every branch of our own industry, the conduct of the enterprises would be in a great measure through British intervention, and become the means of the increased employment of British shipping.

It does not appear to your Committee, that to long as their own markets are preserved to them in the uni-

ted kingdom and its colonies, the free importation of articles of foreign manufacture, for re-exportation only, can affect the interests, or ought to excite the jealousy, of our manufacturers. British ingenuity and industry, machinery and capital, may confidently meet competition, wherever the field is impartially open to our manufacturers, in common with those of foreign states. Nor does that competition seem to your Committee to become more favourable to the foreigner in consequence of his goods being permitted to pass through the ports of the united kingdom; the effect of excluding him from them would not be to obviate his competition, although it might change the place in which it would occur, and by such a change possibly render it less propitious to the interests of the British manufacturer.

A doubt has been expressed of the expediency of allowing articles actually prohibited from importation to be admitted and warehoused for exportation; and among the manufactures likely to be exposed to risk by a list of such goods has been mentioned to your Committee; but they do not find in the arguments made in the evidence to which they refer sufficient reasons to induce them to recommend any exception to the general freedom of import and export in respect to the manufactures of foreign states. On the admission of the prohibited articles for exportation only will, if properly guarded, be productive of any dangerous consequence.

The policy of permitting the existing duty on the entry and re-export of foreign liquors, imposed for the protection of the British and Irish liquor trade, has, in reference also to this part of their inquiry, naturally occupied the attention of your Committee; it will be observed, that the testimony

of several witnesses examined by your Committee, principally applies to this particular question. Your Committee are fully sensible of the importance of every thing that may appear to affect the interests of so important a branch of the industry of both parts of the united kingdom; and thinking that some further investigation may be desirable (which could not be completed previous to the recess of Parliament,) before they state to the House any opinion upon the effects of this duty, and the alleged necessity of its continuance; anxious at the same time to avoid the possibility of affording the least ground for alarm or misapprehension in the present state of the manufacture in Ireland, with which more than mere commercial considerations are connected, your Committee beg to reserve this subject for a future stage of their proceedings, when they hope to be able to resume the consideration of it, and submit the result to the judgment of the House.

In the course of the evidence received by your Committee, several matters of importance have been incidentally brought under its observation; the most prominent are, the various charges and inconveniences attendant to our present system, which may prove impediments to the success of the proposed general admission of foreign produce and merchandize to warehouse. The object of creating an emporium of trade is naturally cherished by every nation which entertains commercial views; and it will appear from parts of the evidence, that France and Holland are not insensible to it. The ports of these nations are accessible as depots for foreign merchandize, on much more favourable conditions than those of the united kingdom. The charges to which foreign merchandize is liable, and the facilities attending the deposit of it under the regulations

in the ports of each country respectively, will be found detailed in the examination of Mr Hall; from whose statement it will appear how great the advantages are of importation, for the purposes of deposit and re-exportation, in the ports of the continent, in comparison with those afforded by ports of the united kingdom; the effect of which is shewn in the evidence of Mr Thornton, who states, that on account of the duties and charges here exacted, a trade in which he is engaged, as well as others, is now prosecuted through foreign ports, by British subjects, and supported by the employment of British capital.

The investigation of your Committee will be hereafter necessarily applied to the burdens to which foreign merchandize is liable, and the inconveniences which, under the existing practice, attach to it, in its importation into or exportation from the united kingdom. The port charges, the demands for pilotage, the dues for lights, the claims in consequence of different acts, for the maintenance of particular harbours, the manner in which payments are exacted and enforced, and all subjects of discontent, and unquestionably may, under certain circumstances, have the effect of deterring foreign trade from our coasts, and be highly injurious to the character and commercial interests of the country. The advantage of removing any obstacles arising from these causes, if found to exist, is manifest; and the mode of effecting that object will constitute a fit subject for the future consideration of the Committee. In reference to the part of this question, however, which is connected with the regulation of the customs, your Committee have the satisfaction of stating, that a commission has been instituted under the order of the Treasury, which has pursued its inquiries to a considerable extent, and

suggested several important improvements. In consequence of which, some well-founded grounds of complaint to the merchant, in respect to the delivery and re-weighing of goods, and charges for waste, from natural causes, &c. have been already removed in the port of London; and it is hoped it may be found consistent with the secure collection of the revenue, that similar relief should be extended to the out-ports of the kingdom.

It has been suggested to your Committee, that an alteration in the law, favourable to the British ship-builder and ship-owners, might be usefully introduced. A British ship becoming the property of a foreigner, under the present provisions of the law, forfeits the British character it possesses, without becoming capable of acquiring in respect to the trade with this country, that of a ship of the foreign state to which it is sold. This appears to be a restriction on the sale and building of ships in the united kingdom, wholly unsupported by any object of public utility; and your Committee are aware of no reason to prevent their recommending to the adoption of the House, the suggestion received by them, that British-built ships, or ships condemned as prize to Great Britain, should, if deprived of their British character and registry, by sale to a foreigner, be permitted to acquire the character of ships of any country, of the subjects of which they may afterwards become the property: but as it appears to your Committee, that a resumption of the character of a British ship, after having been in the possession of foreigners, and undergone repairs in foreign ports, may open a door to fraud, and be injurious to the British ship-builder; they are of opinion, that the permission above-stated should be guarded by a prohibition against a ship once sold to a foreign state, re-

covering a British registry under any other circumstances but those of capture and regular condemnation as a prize to Great Britain.

Your Committee having stated the course of their proceeding, and the progress they have made in the inquiry committed to them, cannot help expressing their regret, that the latter has not been more extensive; and that the approaching recess precludes them from at present pursuing their investigation into the other important branches of the subject, to which their attention must hereafter be directed. At an early period of the ensuing session of Parliament, they hope to be able to propose to the House the measures in their opinion best calculated to carry into execution the recommendation of this Report; and to resume and pursue their inquiries into those branches of their investigation which they have now left unexamined, on the same principles which have thus far governed them in the performance of the duty assigned to them. To the judicious and prudent application of these principles, your Committee look (under the pleasure of the House) for the removal of all such restrictions on the freedom of our commerce and our intercourse with foreign nations, as the peculiar circumstances of our situation, the protection due to great interests embarked under the public faith, and the compacts into which the country may have entered, either with its own subjects, or with other states, do not render it indispensable to preserve. If in their recommendations any thing should be found more favourable to foreign interests, than may seem consistent with the severe principles of our existing commercial system, (which may to some be an objection to the suggestions humbly offered in the present Report,) your Committee beg to observe, that without now ques-



tioning the wisdom of a restrictive or protective policy, as necessary to the state of our trade at an earlier period of our history, as applicable to the circumstances of the present day, it appears very doubtful. The time when monopolies could be successfully supported, or would be patiently endured, either in respect to subjects against subjects, or particular countries against the rest of the world, seems to have passed away. Commerce, to continue undisturbed and secure, must be, as it was intended to be, a source of reciprocal anity between nations, and an interchange of productions, to promote the industry, the wealth, and the happiness of mankind. If it be true that different degrees of advantage will be reaped from it, according to the natural and political circumstances, the skill and the industry of different countries; it is true also, that whatever be the advantages so acquired, though they may excite emulation and enterprize, they can rouse none of those sentiments of animosity, or that spirit of angry retaliation, naturally excited by them when attributed to prohibitions and restrictions, jealously enacted and severely maintained.

Your Committee are, however, sensible, that at once to abandon the prohibitory system, would be of all things the most visionary and dangerous. It has long subsisted: it is the law not only of this kingdom, but of the rest of the European world; and any sudden departure from it is forbidden by every consideration of prudence, safety, and justice. No such sudden change is in the contemplation of your Committee, nor indeed the adoption of any change, without the utmost circumspection and caution. But they still feel, that a principle of gradual and prospective approximation to a sounder system, as the standard of all future commercial regulations, may be wisely

and beneficially recommended, no less with a view to the interests of this country, than to the situation of surrounding nations. Upon them the policy of Great Britain has rarely been without its influence. The principles recognized and acted upon by her may powerfully operate in aiding the general progress towards the establishment of a liberal and enlightened system of national intercourse throughout the world, as they have too long done in supporting one of a contrary character, by furnishing the example and justification of various measures of commercial exclusion and restriction. To measures of this nature her pre-eminence and prosperity have been unjustly ascribed.

It is not to prohibitions and protections we are indebted for our commercial greatness and maritime power; these, like every public blessing we enjoy, are the effects of the free principles of the happy constitution under which we live, which, by protecting individual liberty, and the security of property, by holding out the most splendid rewards to successful industry and merit, has, in every path of human exertion, excited the efforts, encouraged the genius, and called into action all the powers of an aspiring, enlightened, and enterprising people.

18th July, 1820.

## SECOND REPORT

*Of the Commissioners on the Education of the Poor.*

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL, IN PARLIAMENT ASSEMBLED,

WE, the Commissioners named and appointed by his Majesty's Commis-

sion, under the Great Seal, bearing date the 20th day of August, in the 58th year of his Majesty's reign, issued in pursuance of an Act of Parliament, made and passed in the said 56th year of his Majesty's reign, entitled, "An Act for appointing Commissioners to Inquire concerning Charities in England for the Education of the Poor,"

• Do further report, as follows —

In the prosecution of the duties intrusted to us, we have now completed our investigation of all the charities for education which have come to our knowledge in the counties of Berks, Kent, and Sussex; with the exception only of two in Berkshire, and five in Sussex, concerning which we still wish for some further information, and have, therefore, for the present, deferred reporting upon them. We have also made considerable progress in the examination of those in London and Westminster, and in the county of Middlesex.

In the present Report are contained 170 cases; of which, 19 are in the cities of London and Westminster, 2 in the County of Berks, 39 in the county of Kent, 59 in the county of Middlesex, 4 in the county of Surrey, and 47 in the county of Sussex; besides 1 in the latter county, falling within the exception of the 12th section of the said Act of Parliament relating to special visitors.

The total number of charities which have fallen within our inquiry, in the three counties of which we may consider the examination as completed, is as follows: in Berkshire 91, in Kent 135, in Sussex 75, exclusive of 2 in Berkshire, 4 in Kent, and 1 in Sussex, which, having special visitors, are not within the scope of our commission.

Except for the purpose of completing the examination of those three counties, we have latterly confined our inquiries chiefly to the institutions in the metropolis and its neighbourhood, deeming it advisable not to commence any investigation in a distant district during the pendency of a measure by which it is proposed to extend the objects of the commission, and which, if carried into effect, might make it necessary to visit the same places a second time.

In preparing our separate reports of each charity, we have pursued the plan formerly adopted, except that in a greater proportion of cases we have endeavoured to embody the evidence so completely in the reports, as to render its insertion in the appendix unnecessary.

The Act of Parliament requires that we should report our proceedings once in each half year; but it will be observed, that little more than four months have elapsed since our former Report was presented. We have, however, been anxious to produce a second Report before the termination of the present session, in order that the results of our investigations might be brought before the notice of Parliament with as little delay as possible, and before the provisions of a new Act may have prescribed some new course of proceeding.

In the Appendix to this Report, the following important facts are to be found:—

Population in 1811, of the forty counties included in the table, (being exclusive of Wales,) 9,543,610.

Number of poor in 1815 in those counties, 453,249.

## ENDOWED SCHOOLS.

	Number of Schools.	Children Educated.	Average of Children to each School.
New Schools,	302	39,590	131
Ordinary Schools,	3,865	125,843	32½
<b>Totals,</b>	<b>4,167</b>	<b>165,433</b>	<b>39½</b>
Number educated gratis,		145,952	
Number who pay,		19,482	
		<b>165,434</b>	

Revenue of the Endowed Schools, £ 300,525.

## UNENDOWED SCHOOLS.

New Schools,	820	105,582	128½
Dames' Schools,	3,102	53,624	17½
Ordinary Schools,	10,360	319,643	31
	<b>14,282</b>	<b>478,849</b>	<b>33½</b>
Number educated gratis,		168,064	
Number who pay,		310,785	
		<b>478,849</b>	
Number educated gratis at Schools of both kinds,		392,518	
Number who pay,		321,764	
<b>Total of week-day Schools,</b>	<b>18,449</b>	<b>644,282</b>	<b>34½</b>

## SUNDAY SCHOOLS.

New Schools,	404	50,979	126
Ordinary Schools,	4,758	401,838	84½
<b>Totals,</b>	<b>5,162</b>	<b>452,817</b>	<b>87½</b>
Total of new Schools,	2,526	196,151	128½
Total of Ordinary Schools, including Dames' Schools,	22,085	900,948	40
Schools of all kinds,	23,611	1,097,099	47½

N. B. By New Schools are meant, those upon the plans of Lancaster or Bell. In constructing the table, the incomplete returns were filled up by means of averages deduced from those which were complete.

The population of the 40 counties

to which this table applies, must, from the ratio of increase exhibited in the enumerations of 1801 and 1811 be now about 10,740,000, and upon this basis the following calculations are formed.

The proportion of children requiring education, Mr Brougham informs

us, is one-ninth of the whole population, according to the Breslaw tables, but according to the returns and digests from the English counties, it is nearer one-tenth. If all the children between the ages of six and twelve (both inclusive) are comprehended, we imagine the proportion should be more nearly  $\frac{1}{8}$ . (See Milne's Annuities, p. 534.) But one-ninth may be assumed as sufficiently correct in practice.

The endowed week-day Schools of England, supposing them to be equally distributed, amount to 1 for every 2580 individuals, or 1 for every 280 children requiring education. And the total annual revenue of these schools is £ 300,525.

The parochial schools of Scotland (allowing one for each parish) should be 682, which, taking the population at 2,000,000, gives one for 2230 persons, or one for 248 children requiring education. The whole expense of supporting these schools (exclusive of scholars' contributions) most probably does not exceed 35,000*l.* per annum. Apart from the parish schools, there are not many endowed schools in Scotland; the sums sunk (or mortgaged) for the encouragement of education being chiefly attached to the parochial schools.

Of week-day schools, endowed and unendowed, England has 18,449, which amounts to one for 582 individuals, or one for 65 children at the school age. To supply Scotland with schools in equal proportion to her population, 2527 must be added to the parochial schools. In reality, however, if the children at school in this country amount to one-ninth or one-tenth of the population, as stated by Mr Brougham, the number of pupils must be about 200,000; and allowing 50 for each school, which is probably too high, the whole number of schools must be at least 4000.

The number educated at Sunday

schools is 452,817. Mr Brougham reckons it 100,000, for what reason we know not, unless it be that the Sunday scholars receive only one-fifth of the proper quantum of education, or that part attend week-day schools also, which, added to the others, makes a total of 1,097,099. Now, the entire number requiring education in England is, on Mr Brougham's principle, only 1,074,000, or on that stated above, 1,193,000; so that on any hypothesis  $\frac{1}{10}$  of all who require it receive a certain proportion of education.

In France, according to Mr Brougham, 1,070,000 children were at school in 1819. The number requiring education, taking the population at 29,500,000, must be 3,278,000, or three times the number actually receiving it. France is, therefore, in a much worse situation as to the means of elementary instruction than England.

## REPORT

*From the Select Committee of the House of Commons, appointed to consider of so much of the Criminal Law as relates to Capital Punishment.*

The Committee, in execution of the trust delegated to them by the House, have abstained from all consideration of those capital felonies which may be said to be of a political nature, being directed against the authority of government and the general peace of society. To the nature and efficacy of the secondary punishments, of transportation and imprisonment, they have directed no part of their inquiries, because another Committee had been appointed to investigate them, and because no part of the facts or arguments to be stated in this Report, will be found to depend, either on the present

state of these secondary punishments, or on the degree of improvement of which they may be found capable. The object of the Committee has been to ascertain, as far as the nature of the case admitted by evidence, whether, in the present state of the sentiments of the people of England, capital punishment in most cases of offences unattended with violence, be a necessary, or even the most effectual security against the prevalence of crimes.

The deputy clerk of assize for the home circuit, has laid before the Committee, a return of commitments, convictions, and executions on that circuit, which comprehends the counties of Herts, Essex, Kent, Sussex, and Surrey, from 1689 to 1718, from 1755 to 1784, and from 1784 to 1814. The returns of the intermediate period, from 1718 to 1755, he will doubtless furnish very soon. From this important return it appears, that, for the first thirty years which followed the revolution, the average proportion of convictions to executions was 38 to 20; that from 1755 to 1784, it was 46 to 13; and that from 1784 to 1814, it was 74 to 19. It is worthy of remark, that the whole number of convictions for murder, on the home circuit, in the first period was 123; that the executions for the same period were 87; that in the second, the convictions for the same offence were 67, and the executions 57; and that in the third, the convictions were 54, and the executions 44. If the increase of the population, during a prosperous period of a hundred and thirty years, be taken into the account, and if we bear in mind that within that time a considerable city has grown up on the southern bank of the Thames, we shall be disposed to consider it as no exaggeration to affirm, that in this district (not one of the most favourably situated in this respect) murder has abated in the

remarkable proportion of three, if not four, to one.

In the thirty years from 1755 to 1784, the whole convictions for murder in London and Middlesex were 71; and in the thirty years from 1784 to 1814, they were 66. In the years 1815, 1816, and 1817, the whole convictions for murder in London were 9, while in the three preceding years they were 14. Most of the other returns relate to too short a period, or too narrow a district, to afford materials for safe conclusion with respect to the comparative frequency of crimes at different periods.

In general, however, it appears that murders, and other crimes of violence and cruelty, have either diminished, or not increased; and that the deplorable increase of criminals is not of such a nature as to indicate any diminution in the humanity of the people. The practice of immediately publishing the circumstances of every atrocious crime, and of circulating in various forms an account of every stage of the proceedings which relate to it, is far more prevalent in England than in any other country, and in our times than in any former age. It is on the whole of great utility, not only as a control on courts of judicature, but also as a means of rendering it extremely difficult for odious criminals to escape.

The statutes creating capital felonies, which the Committee have considered, are reducible to two classes; the first relates to acts either so nearly indifferent as to require no penalty, or if injurious, not of such a magnitude as that they may not safely be left punishable as misdemeanors at common law. In these the Committee propose the repeal; they are as follows:—1.—1 and 2 Phil. and Mary, c. 4. Egyptians remaining within the kingdom one month.

2.—18 Charles 11, c. 3. Notori-

ous thieves in Cumberland and Northumberland.

3.—9 Geo. I, c. 22. Being armed and disguised in any forest, park, &c.

4.—9 Geo. I, c. 22. Being armed in any warren.

5.—9 Geo. I, c. 22. Being armed in any high road, open heath, common, or down

6.—9 Geo. I, c. 22. Unlawfully hunting, killing, or stealing deer.

7.—9 Geo. I, c. 22. Robbing warrens, &c.

8.—9 Geo. I, c. 22. Stealing or taking any fish out of any river or pond, &c.

9.—9 Geo. I, c. 22. Hunting in his Majesty's forests or chases.

10.—9 Geo. I, c. 22. Breaking down the head or mound of a fish pond.

11.—9 Geo. I, c. 28. Being disguised within the Mint.

12.—12 Geo. II, c. 29. Injuring of Westminster-bridge, and other bridges by other acts.

The second class consists of those offences, which, though in the opinion of the Committee never fit to be punished with death, are yet so malignant and dangerous as to require the highest punishments except death, which are known to our laws. These the Committee would make punishable, either by transportation, or imprisonment with hard labour, allowing considerable scope to the discretion of the judges respecting the term for which either punishment is to endure.

1.—31 Eliz. c. 9. Taking away any maid, widow, or wife, &c.

2.—21 Jac. I, c. 26. Acknowledging, or procuring any fine, recovery, &c.

3.—4 Geo. I, c. 2, s. 4. Helping to the recovery of stolen goods.

4.—9 Geo. I, c. 22. Maliciously killing or wounding cattle.

5.—9 Geo. I, c. 22. Cutting down or destroying trees growing, &c.

6.—5 Geo. II, c. 30. Bankrupts not surrendering, &c.

7.—5 Geo. II, c. 30. Concealing or embezzling.

8.—6 Geo. II, c. 37. Cutting down the bank of any river.

9.—8 Geo. II, c. 20. Destroying any fence, lock, sluice, &c.

10.—26 Geo. II, c. 23. Making a false entry in a marriage register, &c. five felonies.

11.—27 Geo. II, c. 15. Sending threatening letters.

12.—27 Geo. II, c. 19. Destroying bank, &c. Bedford level.

13.—3 Geo. III, c. 16. Personating out-pensioners of Greenwich hospital.

14.—22 Geo. III, c. 40. Maliciously cutting serges.

15.—24 Geo. III, c. 47. Harbouring offenders against that (revenue) act, when returned from transportation.

It does not seem necessary to make any observations in this place on the punishments of transportation and imprisonment, which the Committee have proposed to substitute for that of death in the second of the two classes above mentioned. In their present imperfect state they are sufficient for such offences; and in the more improved condition in which the Committee trust that all the prisons of the kingdom will soon be placed, imprisonment may be hoped to be of such a nature as to answer every purpose of terror and reformation.

On the three capital felonies of, privately stealing in a shop to the amount of five shillings—of, privately stealing in a dwelling house to the amount of forty shillings—and of, privately stealing from vessels in a navigable river to the amount of forty shillings,—the House of Commons have pronounced their opinion, by passing Bills for reducing the punishment to transportation or imprisonment.

In proposing to revive those bills, your Committee feel a singular satisfaction that they are enabled to present to the House so considerable a body of direct evidence in support of opinions, which had hitherto chiefly rested on general reasoning, and were often alleged by their opponents to be contradicted by experience. Numerous and respectable witnesses have borne testimony, for themselves and for the classes whom they represent, that a great reluctance prevails to prosecute, to give evidence, and to convict, in the cases of the three last-mentioned offences; and that this reluctance has had the effect of producing impunity to such a degree, that it may be considered as among the temptations to the commission of crimes.

But highly as the Committee esteem and respect the Judges, it is not from them that the most accurate and satisfactory evidence of the effect of the penal law can reasonably be expected. They only see the exterior of criminal proceedings after they are brought into a court of justice. Of the cases which never appear there, and of the causes which prevent their appearance, they can know nothing. Of the motives which influence the testimony of witnesses, they can form but a hasty and inadequate estimate. Even in the grounds of verdicts, they may often be deceived. From any opportunity of observing the influence of punishment upon those classes of men among whom malefactors are most commonly found, the judges are, by their stations and duties, placed at a great distance.

The Committee have sought for evidence on these subjects from those classes of men who are sufferers from larcenies, who must be prosecutors when these larcenies are brought to trial—who are the witnesses by whom such charges must be substantiated—

and who are the jurors, by whose verdicts only effect can be given to the laws.

Mr Shelton, who has been near forty years clerk of arraigns at the Old Bailey, states, that juries are anxious to reduce the value of property below its real amount, in those larcenies where the capital punishment depends on value; that they are desirous of omitting those circumstances on which the capital punishment depends in constructive burglaries; and that a reluctance to convict is perceptible in forgery.

Sir Archibald Macdonald bears testimony to the reluctance of prosecutors, witnesses, and juries, in forgeries, in shop-lifting, and offences of a like nature. He believes that the chances of escape are greatly increased by the severity of the punishments. "Against treason, murder, arson, rape, and crimes against the dwelling-house or person, and some others," he thinks, "the punishment of death should be directed."

T. W. Carr, Esq. solicitor of excise, a very intelligent public officer, gave an important testimony, directly applicable, indeed, only to offences against the revenue, but throwing great light on the general tendency of severity in penal laws to defeat its own purpose. From his extensive experience it appears, that severe punishment has rendered the law on that subject inefficacious. Prosecutions and convictions were easy when breaches of the law were subject to moderate pecuniary penalties; even a great pecuniary penalty has been found so favourable to impunity, that fraudulent traders prefer it to a moderate penalty. The act of counterfeiting a stamp in certain cases, within the laws of excise, was, before the year 1806, subject only to a penalty of 500*l.*; but in that year it was made a transportable offence; of which the consequence was, that the convictions, which, from 1794 to 1806, had been 19

out of 21 prosecutions, were reduced, in the succeeding years, from 1806 to 1818, to 3 out of 9 prosecutions.

Mr Newman, solicitor for the city of London, speaking from thirty years' experience, of the course of criminal prosecutions in that city, informed the Committee, that he had frequently observed a reluctance to prosecute and convict, in capital offences not directed against the lives, persons, or dwellings of men.

The Reverend Mr Cotton, Ordinary of Newgate, has described in strong terms, the repugnance of the public to capital execution in offences unattended with violence, and the acquiescence even of the most depraved classes in their infliction in atrocious crimes.

Mr. Colquhoun, for twenty-seven years police magistrate in this capital, and well known by his publications on these subjects, declares his firm conviction, that capital punishment in the minor offences operates powerfully in preventing convictions; and that there is a great reluctance to prosecute in forgery, shoplifting, larceny in the dwelling-house, burglary without actual entry, horse-stealing, sheep-stealing, cattle-stealing, frame-breaking, house-breaking in the day time, robbery without acts of violence, and other minor offences, now subject to the punishment of death. According to the testimony of this intelligent observer, the public mind revolts at capital punishment in cases not atrocious.

Mr Newman, late keeper of Newgate, and connected with the administration of justice in London for forty years, gave testimony to the same effect.

Mr Basil Montague stated a fact of a most striking nature, immediately applicable only to one offence, but shewing those dispositions in the minds of the public, which must produce similar effects wherever the general feeling is at variance with the provisions

of criminal law. From the year 1792, when embezzlement of property by a bankrupt was made a capital offence, there have been probably forty thousand bankruptcies; in that period there have not been more than ten prosecutions, and three executions for the capital offence, and yet fraudulent bankruptcies have become so common as almost to be supposed to have lost the nature of crime.

Mr Hobler, clerk to the Lord Mayor, and to the sitting magistrate in London for thirty years, stated the anxiety of prosecutors to lower the value of goods stolen; and has observed many cases of forgery, in which, after the clearest evidence before the magistrate, the grand jury has thrown out the bill for some reason or other, where the magistrate had no doubt. The same solicitude to reduce the value of articles privately stolen in shops and dwelling-houses, has been remarked by Mr Payne, clerk to the sitting magistrate at Guildhall; by Mr Yardley, clerk at the office in Worship-street, who has observed a disinclination to prosecute in all capital cases, except murder; and who says, that in larcenies he has often heard prosecutors, especially females, say, "I hope it is not a hanging matter;" and by Mr Thompson, clerk at the office in Whitechapel, who represents it as common for prosecutors in larcenies to ask, "Cannot this be put under forty shillings?"

Mr Alderman Wood, a member of the House, an active magistrate, and two successive years Lord Mayor of London, has strongly stated the unwillingness of shop-keepers and others to prosecute the number of offenders who, during his mayoralty, owed their escape to this cause; and his decided conviction, that if the capital punishment was taken away, the reluctance to prosecute would be greatly abated.

Mr Wilkinson, a merchant in Lon-



don, stated a case of property to the value of one thousand pounds stolen from him, where he was deterred from prosecution by the capital punishment; and expressed his belief that a similar disposition prevailed among persons of the like condition and occupation with himself.

Mr Josiah Corder, bookseller, Mr Joseph Curtis, currier, Mr Wendover Fry, type-founder, and Mr John Gaun, a merchant and shoe-manufacturer, stated instances in which they were prevented by the capital punishment from prosecuting offenders, whom they would have brought to justice if the punishment had, in their opinion, been more proportioned to the crime. They also declared, that there is a general disinclination to prosecute among the traders of the city of London, or to convict in thefts without violence, and in forgeries.

Sir Richard Phillips, a bookseller in London, and once sheriff, as well as often a juror, has in these several capacities observed the same facts.

Mr Richard Taylor, a common-councilman, prosecuted some men for breaking into his printing-office, and stealing some property out of it, for which they were transported, but whom he would not have prosecuted if he had not previously ascertained that the connexion of the printing-office with the dwelling-house was not such as to make the act a capital offence.

Mr Richard Martin, a member of the House, informed the Committee, that the punishment of death prevented prosecutions in Ireland for horse, cattle, and sheep-stealing, for privately stealing in dwelling-houses and shops, and in general for all larcenies without violence. Though the extensive estate, of which he is proprietor, be almost laid waste by sheep-stealing, he has been prevented from prosecuting by the punishment of death. If

the punishment were reduced to transportation, he would certainly prosecute the offenders to conviction. He has no doubt that his estate would be better protected if the law were more lenient; and that the reduction of the penalties of the law would promote the security of property throughout the province of Connaught.

Mr James Soaper, of Saint Helen's Place, Mr Ebenezer Johnson, of Bishopsgate-street, ironmonger, Mr Baker, of the Tower, Mr Lewis, a retired merchant, and Mr Garrett, an insurance broker, bore testimony to the general repugnance to prosecution which arose from capital punishment; some of them mentioned instances in which they had been deterred by that consideration from bringing offenders to justice. Mr Garrett said, that as far as his observation went, there was not one in twenty who did not shudder at the idea of inflicting the capital punishment in cases of forgery. Messrs Frederic and William Thornhill, hardwaremen, mentioned cases of theft in which they had forborne to prosecute on account of the punishment of death. The former added, that he found it to be an almost universal sentiment among his neighbours and acquaintances, that excessive punishment tends very greatly to the production of crime; that he knows many persons who have been great sufferers by thefts in shops and dwelling-houses, and who declare, that if the punishment of such offences had been any thing less than death, they would have regarded it as highly criminal in themselves to have forborne prosecution, which they had felt themselves compelled to abstain from in every instance on account of the punishment; and must continue to act on the same principle of forbearance till there was an amendment in the law. He also informed the Committee, that from his knowledge of a great variety

of cases, he was convinced the more lenient punishment would more effectually prevent forgery.

Mr Collins and Mr Crowther, considerable, and very respectable traders in Westminster, gave evidence which the Committee consider as of peculiar value. Mr Collins has suffered both from larcenies and forgeries, and was restrained by the state of the penal law from bringing the offenders to justice, which he would otherwise have taken the pains to do. He thinks that the laws of God do not permit life to be taken away for mere offences against property; and that among his friends, many of whom are traders in London and Westminster, he does not know a single exception from concurrence in such sentiments. Mr Crowther stated, that no porter had left their establishment for twenty years for any other cause than theft; that a prosecution had taken place in one instance, and terminated in conviction and condemnation. "The pain and anxiety," he adds, "occasioned by that event, until we obtained for him the royal mercy, none can describe but ourselves; which made us resolve never to prosecute again for a similar offence." The general opinion of the traders in London and Westminster is the same with his own. He declared, that if he received a forged bank note, he should be prevented from prosecution by the punishment of death, and that if the punishment were less than death, he should undoubtedly consider it as his absolute duty to bring the offender to justice. He believes that nine tradesmen out of ten agree with him.

Mr Stephen Curtis, a leather-factor in London, stated several cases of forgery, fraudulent bankruptcy, and larceny, where the persons injured declined to prosecute, from apprehensions that the offenders might suffer death; this is the general opinion of

the traders of London, though, in the opinion of this witness, there is scarcely a shopkeeper from Cornhill to Charing-cross who does not suffer from shoplifting.

Mr Jacob, who has lately travelled through England on business, and Mr Jennings, for some time shopkeeper near Bridgewater, gave some evidence tending to shew that the general sentiments of traders in the country were, on capital punishments, the same which the Committee had such ample reason to consider as the prevalent opinion of the same valuable class of persons in the metropolis. Mr Jennings observed, that these opinions prevailed among farmers as well as shopkeepers, and that the capital punishment prevented prosecutions for horse, cattle, and sheep-stealing, as well as from privately stealing in shops and dwelling-houses, and in constructive burglaries.

Mr Joseph Harmer, who has practised for twenty years as a solicitor at the Old Bailey, gave a testimony which the Committee cannot but recommend to the most serious consideration of the House. He informed the Committee, that he knew many instances of persons, injured by larcenies and forgeries, declining to prosecute on account of the punishment; that the same consideration strongly disinclines many persons to serve as jurors at the Old Bailey, and induces them to bribe the summoning officer not to summon them; and that he has seen juries, influenced, as he believes, by the severity of the punishment in numerous capital cases, but especially in forgeries, give verdicts of acquittal where the proofs of the prisoner's guilt were perfectly clear. Old professed thieves, aware of the compassionate feelings of juries, are, he says, desirous of being prosecuted on capital indictments rather than otherwise.

In addition to the general evidence

above stated, to notorious facts, and to obvious conclusions of reason, the Committee have to state the testimony of some witnesses of peculiar weight, on forgery. Mr John Smith, a member of the House, and banker in London, stated, that he knew instances where prosecutions for private forgeries were relinquished on account of the punishment, and had no doubt that if the punishment was less, prosecution would have taken place.

Mr Barnett, also a member of the House, and a banker in London, is of opinion, that capital punishment goes extremely to discourage prosecutions in forgery; he knows many instances of this; scarcely a year passed without something of the kind; he is of opinion that the majority of private forgeries pass unpunished, on account of the severity of the punishment. The punishment of death tends, in his opinion, to prevent prosecution, and to increase the crime.

Mr J. F. Forster, a Russia merchant, and Mr E. Forster, a banker in London, gave some remarkable examples of the repugnance to prosecute in forgery. In one, by the connivance of the prosecutor, a person who was introduced to the magistrate as a friend of the prisoner's, desired to see the forged cheque, snatched it away, and threw it into the fire;—a mode of avoiding prosecution which, from other parts of the evidence, does not seem to be uncommon. In another, a forgery to the large amount of 1500*l.* where the forger and the utterer were both in custody, the prosecution was relinquished merely because the offence was capital.

Mr Fry, a banker in London, mentioned four cases of prosecution for forgery which were prevented by the capital punishment, in one of which the party injured swallowed the forged note, that he might not be compelled

to prosecute. Mr Fry explicitly stated, what is indeed implied in the evidence of the preceding witnesses, that as a banker, he should consider his property as much more secure if the punishment of forgery were mitigated to such a degree that the law against that offence would be generally enforced; in nine cases out of ten of forgery which he has known, there has been an indisposition to prosecute.

Dr Lushington declared that he knew, that in the minds of many persons there is a strong indisposition to prosecute, on account of the severity of the punishment; and that he had heard from the mouths of prosecutors themselves, who have prosecuted for capital offences, where there was a danger of the persons being executed, the greatest regret that they had so done; and many times they have expressed a wish, that they had been able to have foreseen the consequences, they would never have resorted to the laws.

Mr Charles Attwood, a manufacturer of window glass at Newcastle, and a seller of window glass in London, had observed a very considerable indisposition to prosecute in capital cases among the traders of London generally; and conceives that this reluctance would abate, if the capital punishment were mitigated to something less than death.

Mr Isaac Lyon Goldsmid, a broker to the Bank, and to merchants, whose experience in the transactions of bankers is very extensive, entertains no doubt that the punishment of death has a tendency generally to prevent prosecution, and thinks that evidence to that effect might be discovered in hundreds of instances.

Mr Daniel Garne, a banker in the county of Norfolk, declared his own reluctance, and had observed a similar reluctance among many bankers and

traders in the country, to prosecute in cases of forgery, in consequence of the severity of the law. The dread of being instrumental in inflicting death had, with himself, and to his knowledge with others, operated as a protection to the criminal.

There are several points on which the Committee are desirous of offering some observation to the House; two of these are of great importance; the first relates to the best means of enabling judges to pronounce sentence of death only in those cases where they think it probable that death will be inflicted; the second, whether the establishment of unexpensive and accessible jurisdictions, for the trial of small offences, with the help of juries, but with simple forms of proceeding and corrective punishments, might be a means of checking the first steps towards criminality. These and other parts of this great subject, the Committee hope that the House will allow them to consider, by permitting them, in the next session, to resume, and, if possible, to complete their inquiries.

### ABSTRACT

*Of the Report of the Select Committee appointed to Inquire into the State of Mendicity in the Metropolis.*

The body of evidence ascertains beyond all possibility of doubt, the gross and monstrous frauds practised by mendicants in the capital, and in its immediate neighbourhood; the success of which affords a direct encouragement to vice, idleness, and profligacy, as much more is gained by importu-

nate solicitations in the street for charity, than is earned by the sober and most industrious artificers and labourers, by their utmost application to the work in which they are employed.

The profits of mendicity are so great as to afford a strong incitement to follow the practice.

Beggars on theft being searched when brought before the magistrates, a great deal of money has been found about them, in their pockets, and in their clothes.

Beggars make great profits by various practices, such as changing their clothes two or three times a-day, and getting money intended for others.

Clear proof that a blind man and a dog got 30s. in one day.

Another man got 5s. a-day; he could with ease go through 60 streets a-day.

Another man 6s. a-day.

Two houses in the parish of St Giles frequented by from 200 to 300 beggars; receipts from 3s. to 5s. a-day; they could not be supposed to spend less than 2s. 6d. at night, and pay 6d. for their bed.

A negro beggar retired to the West Indies with a fortune, it was supposed, of 1500*l*.

Beggars gain 3s. or 4s. a-day by begging shoes.

Considerable sums of money pulled out, and shared amongst beggars.

Gains of beggars, 6s. 7s. or 8s. and sometimes more.

The value of 15s., 20s., and 30s., found upon them; they get more by begging than they can by work; they get so much by begging, that they never apply for parochial relief.

Found upon beggars, 8s., 10s., and 12s., that they had gained in the course of the day.

The beggars state that they get more by begging than they can by work.

They get 4s. or 5s. a-day.

9s. and 10s. gained in a day, marked on a pass.

A woman alleged she could go through 60 streets in a day, and that was a bad street that did not yield 1d.

Beggars get from 10s. to 20s. a-day sometimes.

A beggar would spend 50s. a-week for his board.

Beggars have said they go through 40 streets in a day, and that it is a poor street that does not yield 2d.

A bad day that does not yield the beggars 8s. and more.

The evils attending mendicity are not, however, confined to adults; children of different ages are made use of to excite compassion; sometimes by themselves, and at other times are carried about by their parents, or persons pretending to be so. This use of children is not a novel one; in a statute of 1st Edward VI. c. 3, it is recited, that divers women and men go on begging, wayfaring, of which some be impotent and be lame, and some able enough to labour, which do carry children about with them, some four or five years of age, or younger or older, which, brought up in idleness, might be so rooted in it, that hardly they may be brought after to good thrift and labour. And a similar recital in the 3d and 4th Edward VI. c. 16.

Beggars are furnished with children at houses in Whitechapel, Shoreditch; some who look like twins; children frequently on women's backs.

A woman had four children with her begging; much use made of children.

Children are annually instructed in idleness and drinking, and of course lying; idleness is sure to bring on lying and theft.

Children frequently sent out to beg, and not to return with less than 6d.

A girl of 12 years of age had been six years engaged in begging; on some days got 3s. or 4s. a-day; sometimes more, usually 18d. or 1s.; on Christmas-day, 4s. 6d.

One man will collect 3, 4, or 5 children from different parents, paying 6d. and 9d. for each, to go begging with. Parents beat their children if they do not carry home the sum required.

A woman in a constant state of intoxication with 5 children.

A woman with twins who never grew older, sat for ten years. Twins not the children of the beggars one time in a hundred.

A blind child hired to excite charity; 1s., 1s. 6d., or 2s. 6d., gained by each in a day.

Children let out by the day, who carried to their parents 2s. 6d. a-day, as the price paid by the persons who hired them; of course their gains must have been more.

A little boy and a little girl earned 8s. a-day.

An instance is stated of an old woman who keeps a night-school for instructing children in the street language.

Of the numbers of beggars in the streets in the metropolis, a probable conjecture only can be formed. Mr Martin, who has been extremely active in the department of inquiry about mendicity, stated them, thirteen years ago, at 15,000, of which 5900 were Irish; but the Committee will have occasion to refer, in a subsequent part of this Report, to a statement which will shew the probability of the number being considerably more. They are most numerous in the outskirts of the town; thirty or forty sleep in a large round bed.

In the neighbourhood of Whitechapel, thirty or forty houses, apparently crowded, in which are not less

than 2000 people, one half of whom live by prostitution and beggary; the remainder Irish labouring people.

It appears by the evidence of the person who contracts for carrying vagrants in and through the county of Middlesex, that he has passed as many as 12,000 or 13,000 in a year; but no estimate can be formed from that, as many of them are passed several times in the course of a year.

And it is proved that these people are, in the course of eight or ten days, in the same situation as they find no difficulty in escaping as soon as they are out of the hands of the Middlesex contractor.

A magistrate in the office at White-chapel thinks there is not one who is not worthless. It certainly appears uncontrovertible that an immense proportion of them are idle, profligate, and lazy, and living in great dissipation.

The rector of Saint Clement Danes describes them as living very well, especially if they are pretty well maimed, blind, or if they have children; he describes various practices of the beggars.

The beggars, after having perambulated their circuits, live well, spending a considerable portion of money; have hot suppers, and regale themselves with various liquors.

From 200 to 300 beggars frequent two public-houses in St Giles's, divided into companies, and subdivided into walks; live luxuriously at night.

Beggars scarify their feet to make the blood come; they change their routes every day; share considerable sums of money, and get scandalously drunk; quarrel and fight; and one teaches the other the mode of extorting money; they are the worst of characters, blasphemous, and abusive; when they are detected as impostors in one parish, they go into another.

VOZ. XIII. PART II.

They eat no broken victuals, but have ham, beef, &c.

Forty or fifty sleep in a house, and are locked in lest they should carry any thing away, and are let out in the morning all at once.

The beggars, mostly of a desperately bad character, frequently sell clothes that are given to them.

Tear their clothes for an appearance of distress.

Beggars assemble in a morning, and agree what route each shall take.

At some of the houses the knives and forks chained to the tables, and other articles chained to the walls.

The walks are sold.

In the summer they emigrate a good deal.

A variety of practices stated.

Worthy persons, however distressed, will not have recourse to begging.

Street beggars, with very few exceptions, utterly worthless and incorrigible.

Luxurious living.

Advantages of begging are such, that the parties would rather be imprisoned three months in the year than relinquish it.

Beggars evade the Vagrant Act by carrying matches and articles of little intrinsic value for sale.

Gainful practices of a man who is something of an attorney.

Various practices for obtaining money by beggars who are complete impostors.

Out of 400 beggars in St Giles's, 350 are capable of earning their own living.

In the course of this inquiry, it appeared that in almost all of the city parishes, and in some of those in the neighbourhood, the poor are alarmed; to which there appear to be considerable objections; and, among others, adding to the numbers of beggars in the street, as the persons who take

them to farm derive a profit from allowing them to go out to ask charity.

One person at Hoxton farms the poor of 40 parishes, all within the city; the number of paupers about 300, many of whom beg.

In another house at Hoxton, the poor of 17 parishes are farmed; in some parishes there are no poor to be sent to farm.

At Mile End there is a house where the poor of nearly 40 parishes, mostly in the city, are farmed; some from neighbouring parishes; 350 paupers at Mile End, and 150 in another house at Old Ford.

The whole number may go out twice a-week, Wednesdays and Saturdays.

The persons farming them do not admit that the paupers beg to their knowledge; they have not, however, always distinguishing dresses. It is alleged the paupers have their meals on going-out days, and that they have religious instruction.

The poor of three parishes, six only in number, farmed in a house near the Minories; they are allowed to go out on Fridays and Saturdays, or Sundays; on other days not without leave.

A police magistrate states he had proof of hundreds of parish paupers begging on a Sunday.

A custom prevails in workhouses in general, to suffer the paupers to go out occasionally for holidays at certain times of the year.

A pauper, farmed out by a city parish, had a weekly allowance from the farmer of the poor at Hoxton, by whom he was permitted to go out to beg.

From the evidence of two members of the Committee, who visited the

houses at Hoxton and Mile End, it appears they were much crowded, and extremely filthy; nine, and ten, and eleven persons in a room; no space in the rooms when the beds were let down; no classification of the paupers; in one of them no infirmary. A practice of "flating" prevailed, which is an allowance of 2½d. in lieu of a dinner. In one of the houses at Hoxton, the paupers had the means of going out when they chose to do so. Twenty-two persons slept in a room 28 feet by 15; idiots were mixed with other paupers. Great complaint of the clothing being very defective, and of the insufficiency and quality of the food. On the whole, the situation of the paupers in the houses of these contractors appears to be very wretched.\*

One class of paupers is so numerous as to render it desirable to make a special statement respecting them. We allude to the natives of Ireland, in which part of the united Kingdom there are no laws for the support and maintenance of the poor. Some of these come to England (chiefly to London, or to places near it) in search of work, at a particular season of the year, and frequently do not return.

Much pains, by very particular inquiries, were taken in the year 1815, by a remarkably humane gentleman, to ascertain the number in London, only distinguishing the parishes; the result of which was, that 6876 adults, and 7288 children, were then found, making a total of 14,164.

In a court in Mary-le-bonne parish, containing only 24 very small houses, 700 of these poor people were found in a situation likely to occasion a considerable risk of contagion. These are,

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\* This seems to be the entire cause of the evil. The poor are cruelly, or harshly and liberally treated in poor-houses, and thence they become mendicants as an alternative — *Edin.*

however, not all mendicants; but it has been stated by the gentleman who gave that evidence, since his examination, that there were few of that number who had not themselves begged, or employed some in their families to do so.

In the parish of St Giles, 32,000*l.* was raised for the poor; of which 20,000*l.* was applied to the lowest Irish

The chief clerk to the magistrates at Guildhall states, that these people are passed to Bristol and Liverpool, where they take ship to go across.

And the clerk, to the Lord Mayor supposes there are agents in those ports to convey paupers to Ireland, who are passed under the 17 Geo. II. c. 5.; but the Committee will have occasion to state, that on inquiry it has been found there is a misconception respecting that.

It is stated, that not one in ten who are passed to Ireland are shipped.

A few of the poorer sort are enabled to return to their country by the Irish Society, lately instituted; but the funds of that benevolent establishment are too limited to enable it to give much assistance to such as are desirous of going home.

The allowance for the passage of the paupers is so small, that they have been nearly famished when that has been a long one.

Probably 5000 more Irish poor in London in the latter end of June than there had been five weeks before.

Some reform has been attempted among the lower Irish in the capital, by the establishment of a free school for their benefit in the parish of St Giles; but unhappily it has not succeeded to any considerable extent, notwithstanding the meritorious exertions of a very intelligent and humane master, who attributes the failure principally to the parents taking the children from the school for the more profitable occupation of begging

Another class of beggars to which the Committee are desirous of drawing the attention of the House, are persons who receive pensions from the Royal Hospitals at Greenwich and Chelsea for naval and military services, as some of them are amongst the most importunate of those who infest the streets.

Some who have pensions as soldiers or sailors are among those who apply by letters for charity; one sailor, who had lost a leg, is one of the most violent and desperate characters in the metropolis.

Among beggars of the very worst sort there are about thirty Greenwich pensioners, who have instruments of music, and go about in parties.

The class of beggars who are Greenwich and Chelsea pensioners is pretty numerous; they are represented to carry on the trade of begging to a considerable extent.

A marine, who complained he had only 7*l.* a-year pension, said, he could make a day's work in an hour in any square in London.

Some are guilty of acts of violence when in the custody of the contractor for removing beggars.

A pensioner who had 18*l.* a-year from Chelsea, when taken up begging, had bank notes in a tin box concealed in his waistcoat; and on many of that description frequently 8*s.*, 10*s.*, or 12*s.* are found; that they have got in a day.

A pensioner of 7*l.* a-year, committed for begging, sailors frequently go four or five together.

Chelsea pensioners beg in all directions, at periods between the receipts of their pension. When the parish officers know that persons who receive relief from them are entitled to pensions, they deduct half the amount of the pensions on sending in a list to the office.

A Chelsea pensioner, who receives



1s. 6d. a-day, is one of the most notorious beggars who infest the town.

A Greenwich pensioner of 7l. a-year gets from 5s. to 10s. for writing begging letters.

The last description of beggars that remain for your Committee to take notice of, are those who seek charity by letters.

Some thousand applications by letters are made for charity to ladies, noblemen, and gentlemen, in the metropolis: two thousand on an average were within the knowledge of one individual, who was employed to make inquiries.

Some were from persons receiving pensions as sailors or soldiers, or from the public companies.

Several persons subsist by writing letters; one woman profits by the practice, who receives a guinea a-week as a legacy from a relation, and has laid out 200l. in the funds. Letters have been written by the same person in five or six different hands.

Persons who write begging letters are called twopenny-post beggars, and profit considerably by the practice.

Petitions carried about frequently obtain money; many persons live by writing these letters.

A man who keeps a school writes begging letters for 2d. each.

A gross imposition detected, that was attempted in a begging letter.

The vagrant act evaded by persons resorting to begging by letters. A person who has been an attorney's clerk much employed in writing such letters.

The facts here stated having impressed upon your Committee a clear conviction of the extent of the practice of mendacity in various ways in the metropolis, and having brought under their view the magnitude and pernicious consequences of the evil, they next thought it their duty to inquire what corrections had been applied,

and it will be seen how ineffectual those have generally been where they were attempted.

Before they proceed, however, to do that, they think it right to observe, that

The frequent resort to gin shops is stated as a means of encouraging beggars in their practice.

And that lotteries have reduced some to want.

On the other hand, Sunday schools are stated to have produced a most beneficial effect on the morals and habits of the lower order of the people.

The sturdy beggars are sent to Bridewell, but are turned loose again.

Beggars are sent to Bridewell for merely begging; if insolent for a month, the city parish officer sends them always out of his district.

The chaplain of Bridewell, who appears to have been not merely attentive to the duty required of him, but with much zeal to have exceeded that, states, that in the course of fourteen years, there were not six instances of persons having been reformed by having been committed to Bridewell. He mentioned one of a woman having been committed there thirty-nine times, for a week, a fortnight, or a month; and others a great number of times.

Beggars are not reformed in Bridewell; too short a time there.

Apprentices have been committed to Bridewell two or three times; but not many instances of that.

Vain attempts at reform of women.

In ten days or a fortnight after the beggars from Bridewell are passed into the country, they are on their hands again.

It appears from the whole of this evidence, that a uniform and active exercise of the duty of the magistrates would go far to clear the streets of the metropolis; but if the mendicants, when removed by the justices, shall be allowed to go where they please in the

country, the evil will only be transferred there, where the nuisance of their practices is as intolerable as in the capital.

There is clear evidence that when they are sent on their way to their parishes, they escape and disperse after the first stage.

Beggars who have been passed to their parishes, frequently return.

Reference has been had to the evidence of the person who contracts for conveying the beggars from the metropolis, to shew, that he conveys annually from 12,000 to 20,000 in a year; many times the same persons who have returned to the capital.

The legal authority for repressing the practices so justly complained of, and so clearly proved to exist, appears apparently to be confined to the provisions of the 17th Geo. II. c. 5. generally called the vagrant act; no instances appear where the magistrates have acted under any other.

That act professes to divide the vagrants into three classes—idle and disorderly persons, rogues and vagabonds, and incorrigible rogues; allotting different punishments to each, according to the degree of the offence. But the humble mendicant, asking alms in a state of nearly famishing, is included in the first class, and so is liable to commitment to the house of correction, in like manner as the sturdy and insolent beggar, living in a state of comparative luxury, is: "All persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms, in the parishes or places where they dwell, shall be deemed idle and disorderly persons; and it shall be lawful for any justice of the peace to commit such offenders to the house of correction, to be kept to hard labour for any time not exceeding one month." If such persons shall resist being carried to the house of correction, they

are to be subject to the said punishments as rogues and vagabonds; and a reward of ten shillings is payable to any one, whether parish officers or not, who shall take up such persons.

## MEMORIAL

*To the American Senate and House of Representatives on African Colonization.*

THE President and Board of Managers of the American Colonization Society respectfully represent, that being about to commence the execution of the object to which their views have been long directed, they deem it proper and necessary to address themselves to the legislative council of their country. They trust that this object will be considered in itself of great national importance, will be found inseparably connected with another, vitally affecting the honour and interest of this nation, and leading in its consequences to the most desirable results.

Believing that examination and reflection will shew that such are its connexions and tendency, they are encouraged to present themselves, and their cause, where they know that a public measure, having these advantages, cannot fail to receive all the countenance and aid it may require.

The last census shews the number of free people of colour of the United States, and their rapid increase. Supposing them to increase in the same ratio, it will appear how large a proportion of our population will, in the course of even a few years, consist of persons of that description.

No argument is necessary to shew that this is very far indeed from constituting an increase of our physical strength, nor can there be a population, in any country, neutral as to its

effects upon society. The least observation shews, that this description of persons are not, and cannot be, either useful or happy among us; and many considerations, which need not be mentioned, prove, beyond dispute, that it is best for all the parties interested that there should be a separation; that those who are now free, and those who may become so hereafter, should be provided with the means of attaining to a state of respectability and happiness, which it is certain they have never yet reached, and therefore can never be likely to reach in this country.

Several of the states, deeply interested in this subject, have already applied to the general government; and concurring in the views of your memorialists, both from considerations of justice towards themselves and humanity to the coloured people, have expressed to the general government, their desire that a country should be procured for them in the land of their forefathers, to which such of them as should choose to avail themselves of the opportunity might be removed. It has been the one single object of the society, which your memorialists represent, to effect this end. They have made the most cautious and particular inquiries as to the practicability of such a plan, and its prospects of success, both in this country and in Africa; and they are warranted in declaring, that there are no difficulties which they do not confidently expect will be easily overcome by a moderate exertion of discretion and perseverance.

In this country, and in almost every part of it, they have found a zealous and decided approbation expressed, both in words and deeds, by a vast majority of all classes of our citizens; and this sentiment is continually increasing as the measure becomes more the subject of discussion and reflection. Its importance all admit; and its prac-

tisability, though doubted by many at first, is daily less questioned.

The two last Reports of the Society, to which your memorialists beg leave to refer, shew the success of their mission to Africa, and the result of their inquiries upon that continent. From those it is manifest that a situation can be readily obtained, favourable to commerce and agriculture, in a healthy and fertile country, and that the natives are well disposed to give every encouragement to the establishment of such a settlement among them. Thus it appears, that an object of great national concern, already expressly desired by some of the states, and truly desirable to all, receiving also the approbation of those upon whom it is more immediately to operate, is brought within our reach.

But this subject derives, perhaps, its chief interest from its connexion with a measure which has already, to the honour of our country, occupied the deliberation of the Congress of the United States.

Your memorialists refer with pleasure to the act passed at the last session of Congress, supplementary to the act formerly passed for the suppression of the slave trade. The means afforded, by the provisions of that act, for the accomplishment of its object, are certainly great; but the total extirpation of this disgraceful trade cannot, perhaps, be expected from any measures which rely alone upon the employment of a maritime force, however considerable.

The profits attending it are so extraordinary, that the cupidity of the unprincipled will still be tempted to continue it, as long as there is any chance of escaping the vigilance of the cruisers engaged against them. From the best information your memorialists have been able to obtain of the nature, causes, and course of this trade, and of

the present situation of the coast of Africa, and the habits and dispositions of the natives, they are well assured that the suppression of the African slave-trade, and the civilization of the natives, are measures of indispensable connexion.

Such an opinion has been avowed many years ago, by those best acquainted with this subject, and experience has abundantly confirmed it.

The documents and papers which your memorialists had heretofore the honour of presenting to Congress, and those contained in the late Reports of the society, prove this position.

Since the establishment of the English settlement at Sierra Leone, the slave-trade has been rapidly ceasing upon that part of the coast.

Not only the kingdoms in its immediate neighbourhood, but those upon the Sherbro and Bagby rivers, and others with whom the people of that settlement have opened a communication, have been prevailed upon to abandon it, and are turning their attention to the ordinary and innocent pursuits of civilized nations.

That the same consequences will result from similar settlements cannot be doubted. When the natives there see that the European commodities, for which they have been accustomed to exchange their fellow-beings, until vast and fertile regions have become almost depopulated, can be more easily and safely obtained by other pursuits, can it be believed that they will hesitate to profit by the experience? Nor will the advantages of civilization be alone exhibited. That religion, whose mandate is "peace on earth, and good-will towards men," will "do its errand;" will deliver them from the bondage of their miserable superstitions, and display the same triumphs which it is achieving in every land.

That such points of settlement would diffuse their light around the coast, and gradually dispel the darkness which has so long enshrouded that continent, would be a reasonable hope, and would justify the attempt, even if experience had not ascertained its success. Although, therefore, much may be effected by the vigilant operations of a well-disposed naval force, it is to be feared that much will always remain to be done, until some degree of civilization is attained by the inhabitants of the coast of Africa. The present measures, therefore, for the suppression of the slave trade, if unconnected with others for the improvement of the natives, must be long continued, and the effects produced by them will be partial, tedious, and uncertain; and the least relaxation of this vigilance will revive it.

But those measures, and all others involving expense and labour, may be withdrawn, as soon as these establishments upon the coast become strong enough to participate in the contest against avarice and inhumanity, and shall obtain from their evident advantages over the natives a proper influence among them. And here your memorialists beg leave, respectfully, to suggest their fears, that many of the profligate adventurers in this trade will evade the search of our cruisers by their artful contrivances in disguising their national character. We have reason to believe that the slave-ships of other nations assume the flag and character of Americans to evade the search of British cruisers. Is it not, therefore, to be expected, that the act lately passed will often be defeated by American slave-ships assuming a foreign flag and character? A careful consideration of this subject has convinced us, that all our efforts will be insufficient to accomplish their purposes, unless some friendly arrangement can

be made among the maritime powers of the world, which shall leave no shelter to those who deserve to be considered and treated as the common enemies of mankind.

Whether a permission, under any modification, to certain specified ships, or in certain latitudes, to search and seize slave-ships under our flag, such as Great Britain and other European powers have mutually given to each other, can be properly granted by our government, we cheerfully leave to the wisdom and justice of Congress to determine. Your memorialists will only express their hope and belief, that your deliberations upon this interesting subject will enable you to discern a way, without any compromise of our national honour, by which our country may be placed among the foremost and most efficient assertors of the rights of humanity. But your memorialists humbly consider, that the colonization of Africa offers the most powerful and indispensable auxiliary to the means already adopted, for the extermination of a trade, which is now exciting, in every country, that just indignation which has been long since felt and expressed in this.

No nation has it so much in its power to furnish proper settlers for such establishments as this; no nation has so deep an interest in thus disposing of them. By the law passed at the last session, and before referred to, the captives who may be taken by our cruizers from the slave-ships are to be taken to Africa, and delivered to the custody of agents appointed by the President. There will then be a settlement of captured negroes upon the coast, in consequence of the measures already adopted. And it is evidently most important, if not necessary to such a settlement, that the civilized people of colour, of this country, whose industry, enterprize, and knowledge of

agriculture and the arts, would render them most useful assistants, should be connected with such an establishment.

When, therefore, the object of the Colonization Society is viewed in connexion with that entire suppression of the slave-trade which your memorialists trust it is resolved shall be effected, its importance becomes obvious and extreme. The beneficial consequences resulting from success in such a measure it is impossible to calculate. To the general cause of humanity it will afford the most rich and noble contribution; and for the nation that regards that cause, that employs its power in its behalf, it cannot fail to procure a proportionate reward. It is by such a course that a nation insures to itself the protection and favour of the Governor of the world. Nor are there wanting views and considerations, arising from our peculiar political institutions, which would justify the sure expectation of the most signal blessings to ourselves from the accomplishment of such an object. If one of these consequences shall be the gradual and almost imperceptible removal of a national evil, which all unite in lamenting, and for which, with the most intense, but hitherto hopeless anxiety, the patriots and statesmen of our country have laboured to discover a remedy, who can doubt that, of all the blessings we may be permitted to bequeath to our descendants, this will receive the richest tribute of their thanks and veneration?

Your memorialists cannot believe that such an evil, universally acknowledged and deprecated, has been irremovably fixed upon us. Some way will always be opened by Providence, by which a people, desirous of acting justly and benevolently, may be led to the attainment of a meritorious object. And they believe, that of all the plans that the most sagacious and discerning

of our patriots have suggested for effecting what they have so greatly desired, the colonization of Africa, in the manner proposed, presents the fairest prospects of success. But if it be admitted to be even so doubtful whether this happy result shall be the reward of our exertions, yet, if great and certain benefits immediately attend them, why may not others, still greater, follow them?

• In a work evidently progressive, who shall assign limits to the good that zeal and perseverance shall be permitted to accomplish? Your memorialists beg leave to state, that having expended considerable funds in prosecuting their inquiries and making preparations, they are now about to send out a colony, and complete the purchase already stipulated for with the native kings and chiefs of Sherbro, of a suitable territory for their establishment. The number they are now enabled to transport and provide for, is but a small proportion of the people of colour who have expressed their desire to go, and, without a larger and more sudden increase of their funds than can be expected from the voluntary contributions of individuals, their progress must be slow and uncertain. They have always flattered themselves with the hope, that when it was seen they had surmounted the difficulties of preparation, and shewn that means applied to the execution of their design would lead directly and evidently to its accomplishment, they would be enabled to obtain for it the national countenance and assistance. To this point they have arrived, and they therefore respectfully request, that this interesting subject may receive the consideration of your honourable body, and that the executive department may be authorized, in such way as may meet your approbation, to extend to this object such pecuniary and other aid as

it may be thought to require and deserve.

Your memorialists further request, that the subscribers to the American Colonization Society may be incorporated, by an act of Congress, to enable them to act with more efficiency in carrying on the great and important objects of the Society, and to enable them, with more economy, to manage the benevolent contributions intrusted to their care.

JOHN MASON,	} Committee
W. JONES,	
L. B. CALDWELL,	
I. S. KEY,	

Washington, Feb 1, 1820

## REPORT

*On the Constitution of the Royal Burghs of Scotland*

THE Select Committee to whom the several petitions which have been presented to this House from the Royal Burghs of Scotland, during the years 1818, 1819, and 1820, were referred, to examine the matters thereof, and to report their observations and opinions thereupon to the House, and to whom the reports which, upon the 17th day of June, 1793, and the 12th day of July, 1819, were made from the Committees appointed to examine the matters of the several petitions from the Royal Burghs of Scotland, were also referred, have considered the said petitions, and have agreed upon the following Report.—

Your Committee, in offering the result of its labours, feels it necessary to bespeak the indulgence of the House, for the limited progress it has made in the inquiry intrusted to its charge, and such indulgence will, perhaps, ap-

pear but reasonable, when the House shall advert to the peculiar circumstances under which your Committee was appointed, and has continued to sit, during the present Session.

Your Committee was appointed on the 4th of May; since which time the press of public business has been almost unprecedented in amount, in importance, and peculiarity of interest. Numerous other committees, of local as well as of general importance, have occasionally called its members to other inquiries, who have, besides, been subject to their full share of the imperious claims upon their time, and attendance on the committees relative to matters of election.

Your Committee being early impressed with the impossibility of extending its inquiries, by oral testimony, into the minute detail of all the sixty-six Royal Burghs of Scotland, in reference to the various matters complained of by the petitioners, with any prospect of concluding such inquiry within a moderate period of time, have adopted the classification of the allegations of the petitioners, detailed under eight separate heads of complaint, in the Report of last year, as their guide in conducting their present course of investigation; subject, however, to such occasional deviation as circumstances, disclosed in the progress of their inquiry, or arising from some inherent peculiarity of case, might point out.

Your Committee have been confirmed in this arrangement, and in their adoption of documentary, in preference to oral testimony, by observing the extreme inconvenience to which the witnesses summoned to give evidence from a distance of from 400 to 600 miles, are necessarily subjected, besides the loss of their time, and interruption to their professional employments; for which, the mere payment of the ex-

pences of their journey, and of their residence in London, (which is all your Committee have thought themselves warranted to allow,) affords but a very inadequate compensation.

Under this impression, your Committee have proceeded chiefly by the help of documentary evidence; but feel it due to the petitioners, whose allegations they have been appointed to examine, as well as to the House, which has devolved to them an important trust, to state here the two following material considerations:—

1st, That the documentary evidence obtained is necessarily made up by the very official persons whose conduct the petitioners arraign; and, 2dly, That such evidence is made up from records under the exclusive inspection and control of the same official persons.

From these documents, however, it will appear, that the allegations of fact, made by the petitioners, are very generally and substantially true; whilst the allegations of inference may excite considerable diversity of opinion.

Thus, with reference to the allegation of the mode of forming and continuing the councils of the burghs, the mere fact, that these councils do generally possess and exercise the powers vested in them by existing laws, of self-election and self-continuance, (applying these terms to the bodies corporate, and not to the individual members) admits of no doubt; but the allegation of inference, that to this cause is to be attributed mismanagement and abuse, when they exist, is indeed matter of opinion, and can be best ascertained by patient and minute investigation.

The same persons are indeed generally found to compose the council of a burgh for a series of years, with merely such partial change of official station as the set of the burgh or convenience of the ruling party may re-

quire; until the adverse party gains the ascendancy, when a similar system of self-formation and self-election in the body of the council continues, until again displaced by a similar cause; however the persons or parties may change, the system continues the same. And it is here most essential to remark, that in many burghs it constantly happens, (and in all of them it may happen) that persons not qualified to be chosen into the council of a burgh are so chosen; and yet there seems much reason to doubt, whether such unqualified persons, after being there sixty days, can be displaced by any proceedings of law, but such as are so tedious and expensive, that they are never likely to be resorted to.

Indeed, a recent case of this abuse has been stated, in a letter addressed to the Chairman of the Committee, which is given in the Appendix relative to Kirkcudbright. In that burgh, a person avowedly not qualified by the set (or constitution of the Burgh) to sit there, was lately elected into Council; an action was brought to displace him in the Court of Session. But the judgment pronounced in that Court was in substance to this effect, that a person who could not legally be elected into council, having obtained admission there, and the illegality of his election remaining unchallenged for the space of sixty days, such person is not removable by the ordinary course of law.

Another case of a different description has lately occurred, as appears from the evidence of Mr Kennedy, a member of the Committee, in which it was held, that an idiot knowingly appointed to the office of town-clerk by the magistrates of a royal burgh, was not removable at their suit.

Again, the fact of large alienations of property from most of the burghs

is manifest, from the documents before your Committee; as also the frequent expenditure beyond income, and in several instances the accumulation of debt. But the inference drawn by the petitioners, that these things result from the mode of forming and continuing the councils, is a point on which the Committee, not having fully considered it, have forborne to decide.

Under these circumstances, your Committee have thought it would be most satisfactory to its own Members as well as to the House, to include in their Report, not only the evidence, but also the several distinct resolutions it has come to in reference to these matters; and to express their hope, that if the House shall think proper to appoint the same or another Committee upon this subject, in the next Session of Parliament, this and the remaining allegations of the petitioners may undergo a full and adequate consideration.

Your Committee cannot omit to notice in their Report the evidence subjoined relative to the burgh of Cupar. An inquiry into the particulars of this Burgh was instituted, and witnesses summoned, in consequence of a specific allegation of the petition from thence, *That seats in the council of that burgh had frequently been bought and sold*: and that the system of alternate election and re-election between individuals, by bargain, in continual succession to each other, prevailed there, among the merchant-councillors, as a constant and uniform practice.

Your Committee lament to report, that the evidence has fully confirmed this allegation; *that these proceedings, so gross and iniquitous in their nature, and so injurious in their effects, have been fully established; nay, even admitted to be true by the very persons*



*themselves who took part in them, and who were in fact the principal delinquents.*

The evidence relative to other matters in this burgh is indeed somewhat contradictory. But your Committee conceive, that some of the ill effects of these bad practices are too apparent from the evidence to admit of any doubt.

It appears that Mr Fergusson was in the council of Cupar eighteen successive years, of which he was, during ten, successively Provost;—that apoplexy has been resorted to, successfully, to prevent a fair and just exposition of the pecuniary accounts of the burgh; that persons not resident are frequently chosen into council, who rarely attend council-meetings, except on the day of the annual election;—that the audit of the accounts of the burgh expenditure have not been regular, but have been occasionally delayed for several years.

Your Committee, however, deem it of no great consequence to unravel and appreciate the contradictions of the witnesses in the case of Cupar. The proof, or rather the admission of the sale of seats in the council, and bargains between individuals, of alternate election and re-election, exhibit such a corrupt and improper practice in the formation and maintenance of the council, as to make the subsequent conduct of that body, in reference to the objects of this inquiry, a matter of minor importance. Whether the evils which have resulted from such proceedings be more or less, may indeed admit of some dispute, but there seems little doubt, that the system under which such evil practices have grown up and become matured into activity, and under which no adequate remedy is to be found for such evils, when detected, must be in some material points either unsound in principle or defective in operation.

Your Committee cannot conclude their notice of the evidence, without calling to the attention of the House the very extraordinary facts disclosed by Colonel Francis William Grant, a Member of the House.

It appears that Colonel Grant was Provost of the Burgh of Elgin, during the years 1816, 1817, and 1818; also Provost of Forres, during two of these same years, 1816 and 1817; and also in the council of the burgh of Nairn, from the year 1812 to the present time, inclusive.

It is required by the sets of three out of the four burghs, of which Colonel Grant was in council at the same time, that the members of council should be merchants or traffickers within the respective burgh. It must be superfluous for the Committee to observe, that these four burghs are so far distant from each other, as to render the observance of this provision of the sets of three of them wholly incompatible with the facts detailed in evidence.

Whatever degree of culpable irregularity these disclosures may exhibit, your Committee are inclined to impute its existence rather to the defects of the system, as exhibited within these four burghs, and to the disregard to the strict terms of the sets, so prevalent in many of the royal burghs, than to any particular culpability in the individual here concerned.

The Resolutions of your Committee, alluded to in the former part of this Report, are as follow:—

*Resolved,*—That the Committee will examine, in the first place, into the allegations of the petitioners, as to the system of self-election.

*Resolved,*—That it appears to the Committee, that the mode of election of the town-councils in nearly all the Scottish burghs, is founded on the general principle recognized by the

Act 1469, c. 80, viz. That the old council shall choose the new council, restricted, however, in its application by the set or constitution of each burgh, both in respect to the preparation of the old council eligible to re-elections, and in the latitude allowed to the old council in selecting the members of the new.

Thus, the sets of some burghs, as Renfrew and Lanark, admit of the annual re-election of all the members of the old council to seats in the new. Those of the greater number of burghs limit the number of old councillors, who may be re-elected; but at the same time require or admit of a majority of the old council being continued in the new; while the sets of some others require, that the majority of the new council shall be different persons; and in a few instances, to such an extent, as almost entirely to destroy the effect of the principle of the Act 1469.

The sets of many burghs leave the nomination of the new members of the new council entirely to the old council. According to those of others, the old council must select a portion of the new, from lists furnished by the several corporations; or furnish lists from which the corporations themselves elect; or must shorten lists furnished by the corporations, who finally elect from these reduced lists. And, in a few instances, the corporations have the direct nomination of a certain number of the members of the new council.

*Resolved*,—That the allegation of the old council choosing the new, urged by the petitioners to prevail in the town-council, does appear to the Committee to be generally warranted by the law and the practice of the burghs.

*Resolved*,—That it is the opinion of this Committee, that the burgesses not incorporated have no control over the expenditure of the revenue of the

*burgh, or over the sale of the common good or property of the burgh; nor any power of preventing the magistrates and council from contracting debts for which the common good is liable.*

*Resolved*,—That it is alleged by most of the petitioners, that the community are liable in their property and persons for debts contracted by their magistrates; but the Committee have not been able to ascertain whether such allegations are founded in law or not, the Committee not having found any decision of any court upon the subject.

*Resolved*,—That it is the opinion of this Committee, that the burgesses and corporations have no power to compel their magistrates and council to account for the management of the revenues and funds under their charge.

*Resolved*,—That in the opinion of this Committee, it has been clearly proved in two instances, about ten or fifteen years ago, that seats in the council of Cupar have been sold; and from the evidence before the Committee, there is reason to believe that several other instances have occurred, the last of which took place six years ago.

*Resolved*,—That, in the opinion of this Committee, the practice prevails generally in the burgh of Cupar, for each of the thirteen merchants' councillors to have what is called neighbour councillors, who alternately elect and re-elect each other by individual choice, which, as a point of honour, continues during the lives of the parties; and, in many cases, this agreement of alternate election has extended, in case of death, to the sons or nearest relations of the deceased neighbour councillor.

*Resolved*,—That it does appear, from the Report of the Committee last year, and the evidence then taken, that a waste and mismanagement of charitable funds, placed in the hands of the magistrates as *ex-officio* trustees

tees, has taken place, to a great extent, in the burgh of Aberdeen ; to a smaller extent in the burgh of Dundee, as detailed in the said Report : That in the burgh of Edinburgh, where there are also considerable charitable funds under the management of the magistrates, either as sole or joint trustees, there does not appear, from the evidence before the Committee last year, any ground for supposing that those funds have not been properly administered ; neither does there ap-

pear any ground for so supposing, in either of the other two burghs, whose cases have been examined by the Committee in the last and present year. From the secrecy, however, with which the pecuniary transactions of the councils are generally conducted, it cannot be known whether such funds are well or ill administered. Such abuses may exist without detection ; but when the abuse is discovered, a remedy is afforded by law as in other cases of breach of trust.

# VI.

## REPORTS AND NOTICES,

ON

### IMPORTANT SUBJECTS

#### • AGRICULTURAL REPORT.

AGAIN we have to report genial weather, an abundant crop, falling prices, and distress among our farmers. The first three weeks of the year, like the last month of the preceding, were remarkable for keen frosts, and great falls of snow, with an average temperature, lower than for several years. But spring may be said to have commenced with the last week of January, and it continued without any material check till near the end of April. During this period all the spring-sown grains were put into the ground, finely moulded as it had been by the frosts of winter, in the very best condition; and the young plants rose out of the soil so close and vigorous as to afford a fair promise of a plentiful harvest. The summer months, and the early part of August, were more variable, sometimes drought, and at other times moisture, being rather in excess; and while the crops were on some soils laid by the rains, on others the straw was short, and the crop apparently deficient. Much of the wheat was in the former situation, and not a little of the spring corns in the latter; but the changes had not occurred at such a stage of their progress as to produce any serious injury in either case. During the latter half of August and all September, the weather, though not perfectly steady, was upon the whole exceedingly favourable to the reaping and gathering of the crops; which accordingly were all saved in the best order, before the end of the latter

month. From this period to the end of the year, with the exception of a few days in December, the temperature was unusually high, with little rain, and no frost or snow. The preparation for another wheat crop, and the other labours of this period, were carried on at the proper season, without any other interruption than what was occasioned by the want of moisture,—a circumstance which indicates a state of the atmosphere in October and November very rare in this part of the island.

The following abstract from a Register kept near Perth, exhibits in a concise and useful form the weather of 1820. The temperature will not, we believe, be found to differ materially from the average temperature of Scotland.

	Fair Days.	Rainy Days	Quantity of Rain.	Mean Temperature.
January . . .	21	10	1.321	30.1
February . . .	21	5	1.198	39.1
March . . . .	25	6	0.332	40.6
April . . . . .	24	6	0.690	46.7
May . . . . .	10	21	5.117	49.4
June . . . . .	18	12	1.745	54.6
July . . . . .	22	9	1.635	57.6
August . . . . .	12	19	2.228	56.0
September . . .	16	14	0.973	52.6
October . . . .	20	11	2.295	44.5
November . . .	20	10	1.658	41.6
December . . .	20	11	2.165	38.7
	232	134	21.687	45.98

The corn market of this year opened and closed at the following prices, which are the averages of England and Wales:—

	Wheat	Rye	Barley	Oats	Beans	Peas	Oat meal
For the week ending 8th January, 1820,	64	1 11	0 34	6 24	6 16	2 48	7 25
For the week ending 30th December, 1820,	54	1 34	7 25	8 19	2 35	6 40	11 22
And the average of the whole year was	65	7 40	10 33	10 24	4 43	6 11	11 25

Very little fluctuation of prices occurred till March, when wheat, barley, and oats, began to experience some advance, which was supported, though with little increase, through April, May, June, July, and August. In September a fall commenced, which was much greater and more rapid than the rise had been; wheat having declined in that month 7s. the quarter, and 6s. more in October. By the end of November it had sunk to 56s., and continued still falling in December. The highest weekly average price of wheat for England and Wales was 73s. for the week ending 5th August, and the lowest 54s for the week ending 30th December. The quarter loaf in London varied from 12½d. to 10d., and in Edinburgh from 12d. to 9d.; but the highest prices were only for a few weeks, the general prices being 10d. and 11d.

This state of the market, we think, clearly establishes the fact, that our own growth, including that of Ireland, is fully equal, in favourable years, to our consumption. The imports from Ireland were indeed considerable, amounting in all to 1,425,058 quarters, of which 409,283 were wheat, 88,343 barley, and 918,362 oats; whereas the whole exports from Britain to Ireland were only 12,806 quarters; but there is no reason to doubt that this surplus will be maintained, and even increased by the extension and improvement of cultivation in that country.

The growth of Ireland has been steadily increasing for these twenty years, and very rapidly within the last three. In the present year, all the foreign corn imported was carried to the warehouse or re-exported, excepting oats, for which the ports opened in August, the very blameable manœuvre of some interested individuals having raised the average one penny beyond the import rate of 27s. the quarter, which admitted into our consumption 726,823½ quarters. The price of this grain, however, fell immediately after, and it was excluded again from all parts by the averages taken in November.

During the whole of this year, live stock and butcher-meat maintained a higher price in proportion than corn, though before the end of it they had experienced a reduction of about 20 per cent, as compared with the prices of 1819. In 1818 and 1819 it seemed evident, that owing to the two unfavourable years preceding, the usual number of cattle and sheep had been somewhat diminished; and this deficiency appeared still to be felt in 1820. The demand for wool, of which the price was not materially lower than in 1819, also contributed to maintain the value of sheep; and to this we may add the abundance of grass during the greater part of the summer and autumn, which kept up the price of grazing-stock, and afterwards the large produce of the corn crops in straw, as well as of the hay crop, which occasioned a

brisk demand for lean cattle to go to the straw-yards. On the other hand, cattle for fattening were somewhat depressed about the beginning of winter, from an expected deficiency of the turnip crop. The state of the weather in May and June, when the land was under preparation for turnip, had been very unfavourable; and this crop, therefore, was likely to form perhaps the only exception to the general abundance.

Petitions from the occupiers of land, complaining of distress, and praying for relief, which began to be presented early last year, appeared into Parliament during the session of the present, from all parts of the country. It was impossible to deny, that, owing to the fall of prices, the situation of many of the proprietors had become exceedingly distressing. They had entered into contracts for time, under an impression that the average price of the twenty years preceding would be supported, whereas prices were now one-third lower, and still sinking. Without any fault of their own, they found their land-debts, and of a general very moderate capital, fast melting away, and saw nothing but ruin in but utter ruin at no distant period. At last, on 10th May, it was carried in the House

of Commons, by a majority of 19 (the numbers being 150 to 101,) to refer these petitions to a Select Committee. On this occasion, ministers were in the minority, and they seem to have suddenly adopted the resolution of rendering this unexpected vote almost nugatory; for a much fuller House having been procured the day following, to which the debate on the appointment of the Committee was adjourned, it was moved by Mr. Robinson, that the inquiries of the Committee should be limited to the mode of taxing the average, which regulate the importation of foreign corn; and this was carried by a majority of 115. The Committee, in their Report, which was presented to the House on the 8th July, point out in a very striking manner the errors and defects of the present system on this head; and the means by which the ports were opened to oats a few weeks after, afforded a practical illustration of the statements of the Report. But the session being so far advanced to found any enactment upon the recommendation of the Committee, Mr. Robinson expressed his intention of proposing some new regulations on the subject in the following year.

## COMMERCIAL REPORT.

THE present year formed a very distressful epoch, in regard to all the branches of manufacturing and commercial industry. A general failure of demand was felt both at home and abroad, in all the branches of national industry. A large diminution, by a necessary consequence, took place in their produce; and the labourers em-

ployed were either dismissed, or forced to work for wage, which with difficulty afforded a bare subsistence. It was almost an aggravation of this distressed and distressed state of the engaged in active employment, that money was seen overflowing in the coffers of the capitalist, who sought in vain a vent by which it could be disposed of to ad-

vantage. Instead of the eager competition for the use of money, and high rate offered for it, there were now more lenders than borrowers, and tolerable bills were readily discounted at four per cent. This superfluity of capital, though it certainly proved the existence of sound *stamina* in the country, evidently arose immediately from the

want of that employment which had been afforded to it by the greater activity that formerly pervaded all the branches of industry.

The following was published as exhibiting a comparative view of the state of the woollen manufacture in the years 1819–20 :—

## NARROW CLOTHS MILLED.

	Pieces.	Yards
First Quarter . . . . .	31,545	
Second Quarter . . . . .	29,789	
Third Quarter . . . . .	30,088	
Fourth Quarter . . . . .	25,278	
	<hr/>	<hr/>
Milled last year . . . . .	119,700	4,889,181
	<hr/>	<hr/>
Decreased . . . . .	110,311	5,721,392
	<hr/>	<hr/>
	20,614	832,211

## BROAD CLOTHS MILLED.

First Quarter . . . . .	71,609	
Second Quarter . . . . .	67,555	
Third Quarter . . . . .	66,148	
Fourth Quarter . . . . .	57,966	
	<hr/>	<hr/>
Milled last year . . . . .	263,278	8,406,314
	<hr/>	<hr/>
	324,339	10,246,203
	<hr/>	<hr/>
Decreased . . . . .	61,061	1,839,894
The whole manufactory produced this year in yards . . . . .		13,295,495
Do last year in yards . . . . .		15,967,597
	<hr/>	<hr/>
Total Decrease this year . . . . .	In Pieces. 81,675	In Yards. 2,672,102

The deficiency in the great staple of the cotton manufacture was, we believe, still more extensive.

The aggregate value of goods (the produce of the East Indies and China) imported from the East Indies, was in 1818, 8,693,063*l.*; in 1819, 7,832,965*l.*; and exported in 1818, 3,990,100*l.*; in 1819, 3,600,133*l.* The aggregate value of goods imported from China, was in 1818, 3,598,391*l.*; in 1819, 4,256,951*l.*; and exported, in 1818, 862,402*l.*; in 1819,

791,978*l.* Total value of India and China Imports, in 1818, 12,291,454*l.*; in 1819, 12,089,916*l.*; and exports, in 1818, 4,852,512*l.*; in 1819, 4,392,411*l.* The total value of exports from Great Britain to the East Indies and China, in 1818, 6,289,527*l.*; in 1819, 2,933,816*l.*

The following regulations were published at Batavia; where all the pre-existing laws and ordinances relative to the subject were abrogated.

1. All vessels coming from Europe,

America, or any possessions of the European powers in Asia and Africa, are to enter only the port of Batavia. The said vessels are to make their declaration of entry and discharge at Batavia, unless for particular reasons, a permit has been granted them from the Superior Regency, to discharge and make declaration at Samarang, or at Sourahayd.

- 2. Vessels departing for Europe, America, or any possessions of European powers in Asia or Africa, may, at their option, make their declaration of departure at Batavia, Samarang, or Sourahayd, provided they have taken their entire lading in any of these three places.

3. No vessel designated in articles 1 and 2 will be allowed to touch at any other port or place in the islands of Java or Madura, and much less to load or unload any kind of merchandize or other articles, without a special permit from the Superior Regency.

4. Vessels under the denomination of *Chineesche Jonken* are admitted only at Batavia.

5. All vessels belonging to inhabitants of Java or Madura, or any other parts in the Oriental Seas under the Batavian authority, as also all vessels belonging to places of Indian people and princes in alliance with the Batavian Regency, may enter and quit all the ports of Java and Madura, conforming to the existing regulations and ordinances. If these vessels depart for Europe, America, &c. like all others, they will be subject to articles 1, 2, and 3.

Notwithstanding the existing depression of commerce, the Leipsic fair was well attended, and considerable quantities of goods were sold. Among the rest, English cotton yarns and calicoes met with purchasers; and it was observed, that our "japanned wares preserved their superiority over those

of Germany." These circumstances tended to strengthen that jealousy of British superiority which had been long prevalent on the continent, and particularly in Germany; and notes were said to have been presented to the Diet of the Empire, demanding a monopoly of the German market. Considerable efforts were indeed made, particularly by the smaller states, to establish the liberty of commerce in the interior of Germany; but though the general principles of the measure were approved by the Diet, yet through the dilatory measures of that body, these proceedings did not come to any decisive result.

In Britain itself, a much happier revolution of public sentiment took place. Her leading mercantile characters became fully impressed with the principle which had long since been proved by the best writers on the subject, that the system of prohibition against the import of foreign rival manufactures, was founded altogether upon an erroneous policy, and was productive of real injury to themselves. The merchants of London, in a petition presented to the House of Commons, avowed these principles in the most unqualified manner. It is here observed, that "freedom from restraint is calculated to give the utmost extension to foreign trade, and the best direction to the capital and industry of the country"—"that of the numerous protective and prohibitory duties of our commercial code, it may be proved, that while all operate as a very heavy tax on the community at large, very few are of any ultimate benefit to the classes in whose favour they were originally instituted, and none to the extent of the loss occasioned by them to other classes"—"that a declaration against the anti-commercial principles of our restrictive system is of the more importance at the present juncture,



inasmuch as, in several instances of recent occurrence, the merchants and manufacturers in foreign states have assailed their respective governments with applications for further protective or prohibitory duties and regulations, urging the example and authority of this country, against which they are almost exclusively directed, as a sanction for the policy of such measure,"—"and that nothing would tend to counteract more the commercial hostility of other states, than the adoption of a more enlightened and conciliatory policy on the part of this country."

A similar petition was presented by the Directors of the Chamber of Commerce at Glasgow, and enforced by arguments equally judicious. They observed, "that the division of employments among countries, according to the different natural advantages they respectively possess, is upon the same principle, and attended with the like beneficial consequence, that follows the division of labour in the processes of industry among individuals, the powers of each country being increased thereby, and each individual's share in the products augmented;—that a nation attempting to manufacture, or

raise within itself, every thing which it is to consume, acts in direct contradiction to this principle, and against its best interests"—that the principle of exclusion once admitted must apply equally to the different districts of which a country is composed; yet the inhabitants of Lancashire and Lanarkshire, though engaged in the same manufacture, found their interest in exchanging their commodities with each other—that this principle, recognized so folly by these rival districts, applies, with no less undeniable effect, to the general commerce between nations; and they concluded with expressing their conviction, that the question will not so much lie with regard to the wisdom of abandoning the restrictive system, as with respect to the means by which our steps from it may be safely retraced—how we are to return to the sound and beneficial principles of trade, with the least possible injury to individuals.

These views have not been without some influence on the national councils; the extent of which will be seen in the report of parliamentary proceedings.

#### PRICES OF SHARES IN CANALS, DOCKS, BRIDGES, ROADS, WATERWORKS, FIRE AND LIFE INSURANCE COMPANIES, GAS LIGHT COMPANIES, INSTITUTIONS, &c.—NOVEMBER 2.

Original Share of	Div. per Annum	CANALS	Current Price per Share
£	£ s.		£ s.
—	0 0	Aberdare	25 0
100	0 0	Andover	5 0
55	21 0	Birmingham, (divided)	550 0
250	5 0	Boston and Bury	200 0
100	5 0	Chelmer and Blackwater	90 0
100	8 0	Chesham	120 0
100	11 0	Cockney	999 0
100	6 0	Derby	112 0

Original Shares of	Div. per Annum.	CANALS.		Current Price per Share.
		£	s.	
100	3 0	Dudley	. . . . .	62 0
100	58 0	Frewash	. . . . .	1000 0
100	20 0	Forth and Clyde	. . . . .	500 0
100	9 0	Grand Junction	. . . . .	210 0
100	3 0	Grand Surrey	. . . . .	57 0
150	7 0	Grantham	. . . . .	130 0
—	— 18	Kennet and Avon	. . . . .	18 0
100	10 0	Leeds and Liverpool	. . . . .	280 0
—	14 0	Leicester	. . . . .	295 0
—	19 0	Loughborough	. . . . .	2100 0
—	30 0	Mersey and Irwell	. . . . .	650 0
100	10 0	Monmouthshire	. . . . .	117 0
100	0 0	Montgomery	. . . . .	70 0
100	32 0	Oxford	. . . . .	625 0
—	0 0	Regents	. . . . .	25 0
125	9 0	Shrewsbury	. . . . .	160 0
100	7 10	Shropshire	. . . . .	110 0
100	40 0	Stafford and Worcester	. . . . .	610 0
145	10 0	Stambridge	. . . . .	210 0
—	22 0	Stroudwater	. . . . .	195 0
100	12 0	Swansea	. . . . .	175 0
—	1 10	Thames and Severn, New	. . . . .	31 10
200	75 0	Trent and Mersey, or Grand Trunk	. . . . .	1920 0
100 50	11 0	Warwick and Birmingham	. . . . .	210 0
100	10 0	Warwick and Napton	. . . . .	208 0
—	0 0	Worcester and Birmingham	. . . . .	24 0
125	6 0	Wyrley and Essington	. . . . .	130 0

DOCKS.

146	0 0	Bristol	. . . . .	98 0
100	3 0	Commercial	. . . . .	60 0
—	10 0	East India	. . . . .	161 0
—	4 0	London	. . . . .	91 0
—	10 0	West India	. . . . .	165 0

BRIDGES

100	0 0	Southwark	. . . . .	17 0
100	0 0	Vauxhall	. . . . .	18 10
100	0 0	Waterloo	. . . . .	5 5

ROADS.

100	5 0	Commercial	. . . . .	103 0
100	5 0	East India Branch	. . . . .	100 0
100	1 15	Great Dover Street Road	. . . . .	31 0
—	1 0	Croydon Railway	. . . . .	12 0
50	1 0	Severn and Wye	. . . . .	30 0

Original Shares of £	Div. per Annum. £ s.	WATER-WORKS.	Current Price per Share.	
			£	s.
100	0 0	East London . . . . .	60	0
50	1 5	Grand Junction . . . . .	44	0
—	2 10	London Bridge . . . . .	50	0
—	0 0	Manchester and Salford . . . . .	26	0
100	0 0	South London . . . . .	21	0
—	2 0	West Middlesex . . . . .	47	0

## INSURANCES.

500	2 10	Albion . . . . .	40	10
—	40 0	Bath . . . . .	575	0
1000	25 0	Birmingham, Fire and Life . . . . .	350	0
250	3 0	British . . . . .	50	0
100	6 0	Globe . . . . .	113	0
25	1 4	London Fire . . . . .	23	0
100	0 18	Provident . . . . .	16	10
—	10 0	Royal Exchange . . . . .	230	0
200	1 4	Union . . . . .	33	0

## GAS LIGHTS.

50	4 0	Gas Light and Loke (Chart. comp.) . . . . .	60	0
100	7 10	City Gas Light Company . . . . .	95	0
20	0 16	Bath Gas . . . . .	17	10
50	3 15	Birmingham . . . . .	52	10
20	2 0	Bristol . . . . .	28	0

## LITERARY INSTITUTIONS.

75 <i>gs.</i>	0 0	London . . . . .	37	0
25 <i>gs.</i>	0 0	Russell . . . . .	11	11

## MISCELLANEOUS.

50	1 5	Auction Mart . . . . .	20	0
100	2 10	British Copper Company . . . . .	50	0
150	1 0	London Commercial Sale-Rooms . . . . .	19	0
—	4 0	Carnatic Stock, First Class . . . . .	71	1/2
—	5 0	City Bonds . . . . .	100	0
—	5 0	Prussian Bonds . . . . .	75	1/2

## RELIGIOUS INTELLIGENCE.

IN Britain, exertions for the propagation of Christianity continued to be made on the same extended scale as before. This will sufficiently appear from the following statement of the amount of the principal Religious Charities for the year ending 31st March, 1820:—

Brit. and For Bible Society .	£93,033
Church Missionary Society .	30,076
London Missionary Society .	25,109
Society for Conversion of Jews .	8,950
Prayer Book and Homily Society .	1,987
Hibernian Society .	4,683
Naval and Military Bible Society .	2,162
Total .	£166,300

To these should be added the estimated Receipts of those Societies who do not make up their accounts at Lady-Day, taken on the scale of 1819, which will be rather under than overrating them.

Society for Promoting Christian Knowledge .	53,700
Methodist Missionary Society .	24,000
Moravian Missions .	5,000
Baptist Missionary Society .	16,000
Society for Propagating the Gospel .	13,800
National Society for Education .	2,500
Religious Tract Society .	6,180
Collection on the King's Letter for the Society for the Propagation of the Gospel—nearly	50,000

Total of one year . £337,182

One of the most remarkable religious features of the present year, consisted in the union of the two branches of the Scottish Secession Church, called by the public the Burgher and Anti-burgher, and by themselves, the General and Associate Synod. Although the difference did not consist in any essential point of doctrine or church discipline, but in some minor political questions, particularly the ta-

king of the Burgher oath, yet the animosity between them was observed, as often happens, to be more intense than between sects having much broader points of distinction. By degrees, however, the improvements of knowledge, liberal views, and Christian charity, and not a little, perhaps, the habit of meeting in associations for the diffusion of religious knowledge, introduced a milder spirit. Coming to know and esteem each other as individuals, they became ashamed of those narrow distinctions which had kept them at so unsocial a distance; and a plan was at length formed, of a union between the two churches. After a number of discussions, it was at length agreed to by all the clergy of both denominations, with a very few exceptions. This meritorious issue was consummated on Friday the 8th, in Bristo-street Meeting-house, Edinburgh, —the spot on which, seventy-three years before, the separation took place.

The two Synods met in the morning of that day—the General Associate Synod in their Synod-house, Nicolson Street, and the Associate Synod in the Rev. Mr Lothian's Meeting-house, Portsburgh; and after having finished the business that had been submitted to them severally, adjourned, constituted, to Bristo Street, at halfpast 12 o'clock, walking in regular order to the place of meeting; first the ministers, then the elders, probationers for the ministry, and students of divinity. After the two Synods were seated in a part of the meeting house which had been raised in for their reception, and in alternate pews, so that they were completely intermingled, the two Moderators in front of the pulpit, and the two clerks at a little distance on the right and left, the senior Moderator

gave out a Psalm, in which the Synods and the whole attending multitude joined. The senior Moderator (the Rev. Dr Jameson, Edinburgh, belonging to the General Associate Synod) then rose, and called on the clerk of the Synod whom he represented to read their last minute. After the clerk had done so, the junior Moderator, (the Rev. Mr Palmer of Berwick, belonging to the Associate Synod,) in like manner, called on the clerk of the Synod whom he represented to read their last minute. The minutes read by the clerks in succession, were nearly in the same words, and to the following effect:—

“The General Associate Synod having accepted the Basis of Union, and having, by the good hand of God upon them, now finished all their own business, and all preparatory arrangements, this Synod, with fervent gratitude to God for having led them thus far, and in humble dependence on his grace, to bless the solemn and interesting step which they are now about to take, and to enable them to improve the privileges, and discharge the duties which are about to devolve upon them in consequence of it—do resolve, and hereby record their resolution, forthwith to repair to the appointed place, that they may unite with their brethren of the other Synod, to be known by the name of ‘*The United Associate Synod of the Secession Church*,’ composed of the Associate (commonly called Burgher) Synod, and of the General Associate (commonly called Anti-Burgher) Synod, that they may henceforth walk with them in the fear of God, and in the comfort of the Holy Ghost, striving together for the faith of the gospel, for the purity of divine ordinances, and for the enlargement of the Church of Christ.”

The articles which form the basis of union were then read, the whole members of both Synods standing.—After

this was done, the senior Moderator stood up and said, “I declare, in the name of the General Associate Synod, whom I represent, that the General Associate Synod is henceforth one with the Associate Synod;” and the junior Moderator, in like manner, rose and said, “I declare, in the name of the Associate Synod, whom I represent, that the Associate Synod is henceforth one with the General Associate Synod.” The two Moderators immediately gave each other the right hand of fellowship, in which they were followed by all the ministers and elders belonging to both Synods.

The United Associate Synod now called the senior minister present in the house to take the chair, and officiate as Moderator. Accordingly, the Rev. David Giege of Lochgelly took the chair, gave out a psalm, and constituted the Court by prayer. He was succeeded by the Rev. Dr Pungb of Perth, and the Rev. Dr Hall of Edinburgh, the two next in seniority of the ministers present. They formed the devotions of the Assembly. After the devotional exercises were finished, the roll of the United Associate Synod was called by the former clerks, and business adjourned till Tuesday at 11 o’clock.

The multitude who witnessed this event, memorable in the history of the Secession, was immense. But, notwithstanding the pressure of the great crowd, eager to gain admittance, the whole was conducted with the greatest order.

An uncommon interest was excited this year in Scotland by the proceeding, of the National Assembly of the Church. By order of council, a form of prayer for the Royal Family had been transmitted to the Moderator of the Church of Scotland; and which was chiefly remarkable by the omission of the Queen’s name. This, how-

ever, was generally considered as an irregular mode of dictation to a church which acknowledges no supremacy in the Sovereign; and the order was disregarded by several clergymen, particularly the Rev. Andrew Thomson of St. George's Church. Mr. Thomson followed up this step, by making the following motion in the next General Assembly:—

"That it be declared by the General Assembly that no civil authority can constitutionally prescribe either forms or heads of prayer to the ministers and preachers of this Church; and that the orders in council which have been issued from time to time respecting prayers for the Royal Family, are inconsistent with the rights and privileges secured by law to our ecclesiastical establishment. But that as these orders appear to have originated in mistake or inadvertence, and not in any intention to interfere with our modes of worship, the General Assembly do not consider it to be necessary to proceed farther in this matter at present. And the General Assembly embrace this opportunity of declaring the cordial and steady attachment of the Church of Scotland to their most gracious Sovereign, and to all the Royal Family; and of farther expressing their unqualified confidence, that, actuated by the same principles of loyalty and religion which have hitherto guided them, her ministers and preachers will never cease to offer up, along with their people, their fervent supplications to Almighty God, in behalf of a family, to whom, under Providence, we are indebted for so many distinguished blessings, both sacred and civil."

This motion having been opposed by the Procurator, Mr. Thomson observed, he was sorry he was now reduced to the necessity of defending his motion. He fondly hoped it would have met with no resistance. In de-

sending it, he set out with the principle that the Church is altogether independent of the civil power—a privilege for which our forefathers bled, and which no power had yet taken away from them. In justification of this order of council, an act of Queen Anne was referred to, which enjoined the ministers of Scotland to pray for the branches of the Royal Family by name. But this act was necessary at that time, as many of the clergy of Scotland prayed for the Pretender, under the general name of *Sovereign*, which made it proper to ordain that the names of the Royal Family should be used, that there might be no such evasion. Besides, this was a statute, not an order—a statute, for the disobedience of which, punishment could be inflicted; whereas no clergyman of the Church of Scotland could be compelled to obey this order, nor did the act authorize the Privy Council to assume a similar power, which shews the two to have no connexion with each other. The next act on which this order is said to proceed, is the 32d of Geo. III.; but this act contains an injunction upon the Episcopal Communion, not the established Church of Scotland; and their obedience to it was a condition of their receiving certain immunities. He was aware of no other act which could afford a precedent for this order of council. It was said that this is not an imperative order, but only a recommendation; but does not the very title of it refute this idea? Is it not refuted by its *imperative* language, and the note affixed to it by the blank, namely, "that the same order be intimated to the clergy, that *due obedience* be given to it." It has likewise been urged, that there is no form of prayer prescribed in this order; but if not, for what end are the words of the prayer put in inverted commas? Does not this intimate, we are not to depart from the words there laid down? It is

maintained there was an order similar to this given at the death of the Queen, enjoining prayers to be no longer made for her. It is urged, that orders have often been issued to the Church already, and submitted to without opposition; but this is the very thing complained of. Many practices and usages, persevered in for a long time, have turned out in the end to be mischievous. It may be asked, where was the evil of submitting to this order? This question he would answer, by observing, first, that it vitally affects the integrity and safety of the Church of Scotland. It may be said, there is no intention on the part of the Privy Council to encroach on the rights of the Church. This he was far from suspecting. He believed there was no intention of invading the privileges of the Church of Scotland; but who can say but another government may form a system of encroachment from what they reckon the precedents of this one? Were there an apparent intention to encroach on the Church's rights, it would be better than as it is, for then there would be less danger of the Church being tamely and unsuspectingly deprived of their rights, as every member of it would instantly rise up in arms to repel the open invasion of them; but while he did not wish to impute such an intention on the part of the Crown, he certainly did think this order would never have been issued, had there not existed, in some quarter or another, an inattention to the rights and honour of the Church of Scotland. He could not forget that all the evils which had ever happened to the Church originated from orders of council; and that if such encroachments were not resented, our national Church would soon come to an end. 2dly, This order affected the attachment of the people of Scotland to the Church. How, they will say, can we

feel affection or respect for you, when you abandon the very principles on which these are founded? while dissenters, seeing us abandon tamely and servilely the principles for which our fathers bled, will say to those within the pale of the Church, "You see what clergymen you have got, who can part with all that should be held dear in the constitution of the Church without a sigh." 3dly, This order affects the authority of the Crown; a consequence in which all must feel deeply interested. An order of the King in Council ought to be obeyed; it ought to meet with respect and deference from all classes, unless when it is contrary to law, as in the present case; and it is a fact, that many clergymen do not obey this order. Now, what is the result? the people will attribute this conscientious mode of acting to disloyalty in the ministers; and will, from their example, be led to imbibed the same spirit—an effect which, in these turbulent times, ought peculiarly to be guarded against; and, finally, if this order be approved of, will it not throw an unmerited obloquy upon many sincere and worthy clergymen, who, from motives of conscience, do not, and will not, conform to it, by which means their usefulness and respectability will be materially injured? The reverend gentleman concluded an able speech, by reading again his motion, and reserving to himself the liberty of answering to any thing that might be urged against it.

The motion having been seconded by Mr James Moncreiff,

The Solicitor-General rose and observed, that although he differed entirely from the reverend gentleman, he must do him the justice to say, that he had treated this delicate subject with a degree of temper, decorum, and propriety, which he could not but commend. (*Hear! hear!*). At the same

time, he could not but disapprove most entirely of a sentiment he had expressed, namely, that the civil authority had been inattentive to the purity of the National Church. This, he would say, was a most unfounded surmise. The Crown had always shewn the highest respect and indulgent kindness to the Church of Scotland. Was not this particularly exhibited in the appointment to represent his Majesty in that Assembly of a distinguished nobleman of their own nation, whose character and conduct adorned the high station he held? by increasing the amount of the donation granted to the Church, to enable it to propagate abroad, particularly in India, its principles and doctrines? The reverend gentlemen was the only one for a century back who thought it necessary to put himself forth as a champion of the Church's rights and privileges; and he could not help thinking, that in this he had assumed to himself a high and presumptuous character. (*Loud cries of Order! Order!*) He would put a stop to this in one moment; he meant just to say, that he had taken upon him what no other had yet done; and in no other sense did he use the word presumptuous. He would object, in its present form, however, to the subject coming under discussion immediately on the back of the motion. The motion made by the reverend gentleman contained certain declaratory propositions affecting the very constitution of the Church; and it would be quite contrary to the established usage of the Church to harbour such a motion, and in fact any motion, till it has gone through the proper constitutional tribunal, the Committee of *Overtures*. He would therefore move, that the Assembly submit this motion previous to discussion, if it is to be discussed, to a Committee; and in the meantime, that they do adjourn.

Dr Cook entirely coincided with the right honourable gentleman, that the motion ought legally to be first submitted to a Committee, as it was the uniform practice of the Church to let no business come before them except through a Committee.

Dr Nicoll opposed the motion, and proposed that the house do now adjourn; but this was decidedly resisted by Mr Moncrieff, who supported the motion at great length.

The Lord-Justice-Clerk was convinced the question should be met manfully and openly, and he would deprecate the idea that it should be imagined the Assembly wished to evade the motion. He did not see why the order should not be justly referred to the two acts which it alludes to, namely, that of Queen Anne and the 32d of Geo. III. The act of Queen Anne was not merely temporary, as an honourable gentleman maintained, for he had looked carefully into the Statute-book, and could not find it repealed. He deprecated an unfair construction which had been put upon the meaning of the term, "Sacred Majesty," made use of in the order, which an honourable gentleman seemed to think was meant to intimate that the Sovereign was the head of the Church; but this title, he would affirm, had not a vestige of connexion with such an idea. This term was applied to Queen Anne; and was anything more common than for the Assembly to address the King by the title of "his most Sacred Majesty?" There was no injunction in the order, he maintained, of any form of prayer, merely because the words to be used were in inverted commas. The Act of Queen Anne dictated certain words to be used, but still allowed the clergy to make use of their own words, and this order had no other meaning than that of the Act to which it referred. There ne-



ver, he was persuaded, was a time when less doubt could be entertained, that the King, or Government, wished to encroach upon the rights of the Church of Scotland. Could they forget the gracious manner in which their deputation was lately received by the King—that they were admitted to a closet audience of his Majesty, and that he expressed his resolution always to support the constitution of the Church of Scotland? And were they in the face of this to declare, by assenting to such a motion, that almost the first act of his Majesty's reign was an act to encroach upon the privileges of the Church? Although certain words of prayer in this order was made use of, does that go to say these must be used, and no other? He would mention a case which would illustrate the matter. It often happens, when a clergyman is requested to remember in his prayer a sick person, that a paper is handed up to him, mentioning the name and case of the individual; but is the minister, on this account, to pray for that individual by using the very term written upon that paper? Certainly not; he may use any terms he pleases—and so in the case of this order. He could not help also remarking on the language which had been used, that there was an intention somewhere of invading the independence of the Church of Scotland. (*Cries of No, no.*) He certainly so understood it. The learned lord concluded by proposing a motion to the following effect:—

“That whereas the independence of the Church of Scotland, in all matters of faith, worship, and discipline, is fully established by law, the General Assembly finds it unnecessary and inexpedient to adopt any declaration with regard to the late or any former order in council, relative to prayers for his Majesty and the Royal Family.”

The first motion was supported by Mr J. A. Murray, and the second by Lord Hermand, Dr Lee, and Mr W. Cook.

Mr Thomson rose, and begged to be allowed for a few moments to reply to what had been said in opposition to his motion. He had been much obliged to a certain reverend doctor, (Dr Cook,) for reviving and refreshing his soul with a stream of constitutional truths. The learned doctor objected strongly to his motion being discussed or voted upon before it had been given over to a Committee of Overseers; but what was his conduct when the motion of the learned lord was proposed? why, he thought fit not to repeat his objection. (*A laugh.*) He must now say a word with regard to the learned lord, (Lord-Justice Clerk.) He found fault with the sentiments of a certain pamphlet written upon the subject now before the Assembly. He would only say this much, that he believed it would require all the learning and logic of those who had opposed him to-day to give a proper answer to the substance of that small pamphlet. But the learned lord spoke as if they were identified with the arguments of that publication; he had nothing to do with *its* sentiments; he must be allowed to think and act for himself, and be judged of by the sentiments he himself had expressed. He could not but make a remark upon an argument of the learned lord, with regard to the form of prayer enjoined, and which he had brought forward in a very grave and formal manner, but which, on this account, appeared the more ludicrous. “Suppose,” says the learned lord, “a case where a clergyman is requested to remember in prayer a sick person, and a paper is handed up to him to that effect, the clergyman will never think it necessary to use in his prayer the exact words written on that pa-

per;" from which we are to conclude, clergymen need not, in praying for the Royal Family, make use of the *ipsisima verba* of the Order of Council. (*A laugh.*) But did it never strike the mind of the learned lord, that Janet Meiklejohn, who happens to be sick, has a great deal less authority to dictate a prayer for the clergyman than the Privy-Council are said to have in prescribing prayers for the Church? (*Loud laughter.*) And yet this comparison is brought forward by the learned lord with wonderful gravity, as a very capital illustration. (*Much laughter.*) He would say a word about the inverted commas which troubled gentlemen so much. (*A laugh.*) The learned lord would not grant that they constituted a form of prayer for the Church. But I will suppose that he writes a letter to his steward, and gives him therein a direction in inverted commas; should the steward content himself with obeying the direction in substance, but not literally, would not the learned lord find fault with him for inattention to his pointed and direct instructions? "Did I not," he would say, "exactly express, and circumscribe my order, by putting it in inverted commas?" He hoped this would serve as to *remember in prayer*. A great deal had been urged as to the proofs of attachment expressed to the Church of Scotland; that they had got this thing and that thing, and a thousand other good things,—(*a laugh*)—and that the deputation was so graciously received; and some of the individuals, too, who composed it, receiving no doubt many personal favours. But he was just as ready to acknowledge the benefits received by the Church from the Crown as the most strenuous on the other side, and had expressed the same in his motion; from which, he believed, after all their noise about it, their sentiments upon that point were borrowed. He had

received no personal favour, and yet he was as much attached to his Sovereign as any one. He was of no political party; belonged to no political club, nor ever attended a party dinner; and yet he felt grateful and attached to his Sovereign for the blessings and privileges which he enjoyed under his government. He had been rather unfairly dealt with, he thought, by the learned gentleman the Solicitor-General. That gentleman observed, indeed, that he (Mr<sup>r</sup> Thomson) had conducted himself with propriety; but he certainly must remark that the observations of that learned gentleman had not a tendency to make him persevere in that propriety. (*A laugh.*) He said he was a presumptuous man, because he set himself up as the champion of the rights and privileges of the Church; but he would ever glory in being the champion of the Church, and in defending, against every attack, its rights and privileges.

The Solicitor-General here rose, and denied that he called the reverend gentleman a presumptuous man; he only said, he assumed to himself a presumptuous character. He doubted not but that his language was fresh in the memory of the House.

Mr Thomson said, he was just proceeding to shew that it was fresh in his memory. But as to that charge of presumption, which it seems was attached to his character, and not to himself, (*much laughter*), he thought if there was any in the case, it lay with the learned gentleman, who gave a direct and unqualified negative to his assertions immediately after hearing them. He concluded by saying, that it was nothing but his warm and inviolable attachment to the rights and honours of the Church that urged him to make his stand against encroachment; and that he could lay his hand on his heart and say, he sincerely thought that this Order of Council

was a manifest encroachment on these rights; and he hoped the breath of authority would never wither a leaf of that plant which our forefathers watered with their blood, and the shelter of which, by kind Providence, we now enjoy.

The Assembly then divided—

For the first motion . . . 53

For the second . . . 126

Majority against Mr Thomson's motion . . . 73

On the 29th of May, the Assembly took into consideration the overture of Dr Bryce of Calcutta, respecting certain calumnious passages that had appeared in a number of a periodical work, entitled "The Christian Instructor."

The following are the strictures which were the subject of the overture:—"If we were not speaking of the *venerable* Assembly, we should certainly denounce such a measure as iniquitous, cruel, and tyrannical in the extreme. As to the drivellers who supported it by their votes, we think them vastly silly, and not a little malignant; but as to those who conceived and proposed it, we have not words to express the terror that we should feel if they were invested with that power in the state which they have most unaccountably acquired in the Church.—Of those who will sit in the capacity of judges, and, after spending a day in prayer to the God of righteousness for light and direction, deliberately and coolly condemn any man, or body of men, who have not been permitted to appear in their own behalf—we will venture to say that there is no injustice and no mischief of which they are not capable."

It may increase the interest of our southern readers in this discussion to mention, that the Christian In-

structor is well known to be edited by Mr Thomson, the mover of the resolutions relative to the above Order of Council, and considered one of the ablest of the Scottish clergy.

Dr Bryce of Calcutta said, that in directing the attention of the House to this subject, he thought it necessary to state, that it had not been rashly or inconsiderately taken by him. The pamphlet in question came under his notice in October last, since when he had given it his most serious consideration; and he could not conceive any subject of greater importance that could come under the deliberation of that House. He was not sure that any apology was required from him for bringing it forward. If he could satisfy the House that the language of the paragraph that had been read was most calumnious, (and no member of that House could possibly read over the passage in question without being convinced of its calumnious nature,) he should then have justified himself in having brought forward the subject. He had, too, an interest connected with the situation he held in their Church. It had appeared, that because he was far away at the period when the offence was committed, some persons had thought it impossible he could be affected by it; but those persons were egregiously mistaken. He entertained a high respect for the character of that Assembly, and he should endeavour to preserve that respect for it. The members of that House had deliberated for hours, and delivered their opinions; yet they are to be held out to the world as "silly and malignant drivellers." He was not a member at the time, but if he had been a member, he should have been proud to have ranked among the "silly and malignant drivellers," as they were called. He thought it was not important whether a majority was great or little; whatever was the num-

ber of a majority on a vote in that House, it represented the whole; for it might perhaps be said that this calumny was only against a few members. If he had been in the minority on that occasion, he should have felt that the calumny had extended to him even then. It had been said that the language of the overture was frivolous, and he had consented that it should be withdrawn; but the Committee would not consent to its being withdrawn; and it now came before them, as had been justly observed by a member of the Committee, "with all its imperfections on its head." Some objections had also been urged against the competency of that Court to recognise the charge. If the former Assembly became defunct, he could not conceive a greater absurdity than a letter being addressed to a defunct Moderator of a defunct General Assembly; unless it was the circumstance of a reverend gentleman having made so much stir about a dead letter, which had in consequence occupied the attention of that House for so many hours. That letter was addressed to the Moderator; it could not have meant the Moderator of the present Assembly, for the first step the General Assembly always took on commencing its session was to elect a Moderator. But granting that the General Assembly was defunct from the close of its session, was it generous or manly in a public writer thus to attack a defenceless body? He recollected a good old adage—*De mortuis nil nisi bonum*; but this was now reversed, and we had—*De mortuis nil nisi malum*. But if such was really the case with respect to the last General Assembly, and its respectability could be so injured, it afforded the strongest reason for the present Assembly taking it under its protecting wing. When it was considered how necessary the clergy are,

whatever militates against their usefulness was surely deserving the interference of that Court. And granting they had no power themselves to punish such an offence, there may be still a means of protection available to that Assembly.

Dr Nicoll now rose and moved, "That, whereas the language brought under the review of the Assembly by this overture, and contained in No. CXI. of the above publication, (the Christian Instructor,) is, in the opinion of this Assembly, highly calumnious, calculated to injure the character of many ministers and elders of this Church, who were members of the last General Assembly, and to vilify and degrade the Supreme Judiciary of the Church in the estimation of the country. The Assembly therefore remit the matter to the Procurator, who is hereby instructed and enjoined to take such steps as may appear to him to be competent and expedient for correcting the present, and preventing the repetition of similar offences; and, if any difficulty shall occur in carrying this into effect, the Procurator is farther instructed to apply for advice and direction to any of the stated meetings of the Commission; and the Assembly hereby authorize the Commission to receive any report made by the Procurator, to give directions, and finally to decide in this matter as they shall see cause."

Dr Irvine seconded the motion.

Mr Brown of Langton, in a speech of some length, opposed Dr Nicoll's motion, and concluded by proposing the following, as containing the sense of the Assembly:—"The General Assembly, having considered the overture, and the particular expressions quoted therein from the Christian Instructor, as requiring the animadversion of the Assembly, find, that the

said expressions are not only highly exceptionable and indecorous, but most injurious and disrespectful to the last General Assembly; and this Assembly think it their duty to express their marked disapprobation of language so improperly applied to the decisions of the Supreme Judicatory of the Church. But the General Assembly having duly considered, and deliberated on the matter set forth in the overture, and having thus solemnly declared their high disapprobation of the above passages in the said publication, do not find it expedient to make this overture the ground of any further procedure, and therefore dismiss the same."

This motion was seconded by Dr Lockhart.

Dr Cook, Mr Gibson, and Mr Moncrieff, seconded the motion of Mr Brown; Mr Wightman, Mr Macfarlane, and Principal Taylor, that of Dr Nicoll.

Mr Thomson said, he remembered instances of *via voce* calumnies against the Assembly as reprehensible as this one, which were passed by without any notice. He remembered, on a certain occasion, in the Synod of Lothian and Tweeddale, when a reverend doctor (we understood him to mean Dr Inglis) had spoken of an Act of the Assembly, the Act of 1814, respecting pluralities, in language every whit as calumniating. He would use the term, as it seemed to be the order of the day, (*a laugh.*) and yet no regard was paid to it—it came from so respectable a quarter. (*Laughter.*) The reverend doctor had said, that the Act of Assembly was inconsistent with common sense, and contained a violation of truth. (*Laughter.*) But then this was said by a person, who, it would now seem, could do no wrong. (*A laugh.*) In that very House, the Lord President had, in speaking of some act which the preceding Assem-

bly had passed, called it the most confused, inconsistent, and absurd thing he had ever seen in his life, a *rudis indigestaque moles*; but nobody ever thought of calling him to account for such expressions. And why all this indulgence to Dr Inglis and the Lord President? why, he believed, because it never was deemed consistent with the duty or the dignity of the Assembly to issue declarations on such occasions. But now he could see another reason for it. These gentlemen were not "Christian Instructors." (*A laugh.*) These were manuscript statutes. One of these had been alluded to by his learned friend, (Mr Moncrieff;) he begged leave to allude to it still more particularly. It came in the form of an overture from the Presbytery of Dumbarton, of which Dr Macfarlane, who had spoken so keenly on this occasion, was a member. (*A laugh.*) And what did it say of the decision of the preceding Assembly? Why, it said these things— "And whereas, in 1814, the General Assembly of that year passed an act respecting union of benefices without any regard to this rule, whereby, in the judgment of this Presbytery, the barrier act was infringed, the constitution of the Church grossly violated, and their rights and privileges trampled on in the most contemptuous and arbitrary manner." (*Cheering and laughter.*) Here was calumny with a vengeance—uttered by one of our Presbyteries—deliberately laid upon their table—and what did they do? Did they call the Presbytery to the bar and rebuke them for this outrage? No, no. And why? Just, it seemed, because the overture from the Presbytery of Dumbarton was not the Christian Instructor. (*Lead laughter.*) And now he (Mr Thomson) would give them instances of printed calumnies, for he would still use that precious

word. He had read the other day a number of a periodical work, called, or, according to Dr Bryce's jocular phraseology, *misalled* the Christian Repository, a statement bearing, in express terms, "that want of principle had long characterised our administration of ecclesiastical affairs." Here was food for the gentlemen on the other side, if they were so anxious to hunt out grounds of accusation and alarm. But no; they would not touch this work, just because it was not the Instructor!—(*A laugh*) In another part of the same number of the Repository, he had found a review of a pamphlet, by Dr Irvine of Dunkeld; and there the conductors of the work, after accusing the reverend author of much bad grammar—(*A laugh*)—and of as much Billingsgate—(*A laugh*)—of neither of which things, they were all well aware, the doctor was at all capable—(*A laugh*)—poured out a great deal of severe animadversion on the Church of Scotland; and he was sorry to observe, that the reverend doctor had given them some grounds for such remarks; for he had admitted in his pamphlet, that not a few of his Highland brethren were "idle dogs" and "slow bellies"—(*Excessive laughter*)—and yet it did not appear that the brethren thus calumniated had entered any complaint to the Assembly. Nay, the reverend doctor himself, who had furnished the calumny, and given the Repository a handle against the Church, came forward this day, and manfully seconded the motion of the reverend Principal, for a severe censure on the Christian Instructor. (*Cheering and laughter*.) He could give them a hundred instances of the same kind, which they might read for themselves. For all in this Assembly were given to reading, he presumed, more or less. (*A laugh*.) But he would refer only to one more. It appears the reve-

rend doctor, who introduced this unhappy and ill-fated overture, had not consulted a single individual about it; but this was the very thing he (Mr Thomson) complained of; because, if he had consulted any one upon it, they would have said to him, assuredly,— "Oh, by no means, do not bring it in." (*A laugh*.) From what had been said by every gentleman who had spoken on the other side, every one of them would have given him the same advice; though, by the way, he could not help observing, it was rather a strange and unaccountable thing, that these very gentlemen, with all their declared aversion to the measure, had gone to the Committee of Overtures, and most strenuously supported and voted for the motion to transmit it. (*Laughter*.) Particularly, if he had applied to a certain learned doctor, he would have said to him very earnestly, "Take care, do not bring it in on any account, otherwise we shall bring an old house on our head, for I myself some time ago wrote something of the same kind; and I know there are some very shrewd fellows in the Assembly—(*Loud laughter*)—who would not be long of noticing it." A pamphlet, published a while ago, speaking of the decision of the Assembly in Mr Leslie's case, has these words—"But when a certain party in the state has influence to determine the decision of an Assembly vote, men of the moderate interest do not deem it dishonourable to be found in the minority." (*Cheering*.) And yet this was not an anonymous publication, but written by John Inglis, Doctor of Divinity, and one of the ministers of Edinburgh! He would put it to the candour, honour, and consistency of the House, whether they could act with such partiality. It seems many had not read this publication which they condemned. He wished they had read it, for they

would have learned a good deal of instruction from it. (*A laugh.*) Something had been said about personal feelings. On this subject he would only say, that there had been a sacrifice of personal feeling, which he, for his part, would not have made, 'no, not for all the wealth of India. Mr Thomson concluded nearly in these words:—"And now, sir, before I sit down, allow me for a moment to advert to the time and the circumstances in which this business is submitted to us. It is, sir, when we are met to part, never all again to meet in this world—it is when we are met to take a respectful leave of the noble representative of our gracious Sovereign, in the hope that he will report favourably of our proceedings to his Majesty—it is when we are met to receive from you, sir, those wise and paternal admonitions which you are so well qualified to give, before we return to our families and our flocks—it is when we are met to exchange our tokens of mutual kindness, and of mutual forgiveness, for any asperities which, from the weakness of human nature, may have mingled in our discussions and debates—it is when we are met for these purposes, under the peaceful and harmonising influence of that Sabbath of the Lord which has intervened between our present and our former meetings—it is at this time, and in these circumstances, that we are called on to discuss an overture, which I must not say was intended, but which I will say was calculated, to rouse our angry passions, and to render that which should have been the scene, and nothing but the scene of brotherly love, a scene of discord and strife. Oh sir, must not every generous feeling revolt at this intrusion on the holiness and the charity of our farewell meeting? Do not all the sentiments of good will, which, in spite of our different parties and our differ-

ent opinions, still glow within our breasts, rise up in arms against such an unlooked-for, and such an unprecedented violation of our sanctuary? And must we not retire to our houses under a painful impression, that, when we are just about to give the parting salutation, there was forced on us a subject of complaint, which, it is distressing to contemplate, can scarcely be discussed without occasioning keen contention, which had escaped the notice, or only excited the interest of those among whom it circulated, and which is forced upon us by the zeal of him whom it least of all concerns—the Presbyterian minister from the banks of the Ganges?"

The vote being now called for, there appeared for Dr Nicoll's motion, 83; for Mr Brown's, 82. The former, therefore, was carried by a majority only of one.

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The ecclesiastical organization of the different religious denominations in Russia, are as under:—

The Catholics of Lithuania, of White Russia, and Western Russia, have their archbishops, bishops, religious orders of both sexes, with colleges of Jesuits, &c.

The Protestants, both Lutheran and Reformed, have their superior consistories in each government. In Finland, these consistories have at their head a bishop, and in the other provinces, a superintendent-general.

The Armenians, whether united or not, have their archbishops and bishops, and the latter class have a patriarch.

The Moravian brethren of Sarepta have their separate ecclesiastical jurisdiction.

The Mahometans, whose number amounts to near three millions, have two mullas.

The sectaries of Lama have their lamas or priests.

A letter from a Catholic missionary at Macao, dated April 1, 1819, affords some details relative to the persecution of the Christians in China. Every European priest that is discovered is instantly seized and put to death; Chinese Christian priests undergo the same fate. Christians of the laity, unless they will apostatize, are first dreadfully tortured, and then banished into Tartary. This year, 1819, in the prisons of one province alone, Sutuen, two hundred Christians were expecting the orders for their exile. A Chinese priest had just been strangled, and two others were also under sentence of death. Throughout the

whole empire, there are but ten missionaries, five of whom, at Peking, have no communication with the inhabitants unless it be secret. The Emperor has moreover declared, that he will no longer tolerate either painters or watch-makers, or even mathematicians. The Bishop of Peking has in vain attempted to introduce himself, under this title, into his diocese. The only way left to the missionaries to penetrate into the country, is by gaining the messengers or couriers that pass from Macao to Peking, but if discovered, both the missionary and the courier suffer death on the spot.

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## LITERARY INTELLIGENCE.

### PLAN OF ROYAL SOCIETY OF LITERATURE,

*For the Encouragement of Indigent Merit, and the Promotion of General Literature. To consist of Honorary Members, Subscribing Members, and Associates.*

THE Class of Honorary Members is intended to comprise some of the most eminent literary men in the three kingdoms, and the most distinguished female writers of the present day.

An annual subscription of two guineas will constitute a subscribing member. Subscribers of ten guineas, and upwards, will be entitled to privileges hereafter mentioned, according to the date of their subscription.

The Class of Associates is to consist of twenty men of distinguished learning, authors of some creditable work of literature, and men of good

moral character; ten under the patronage of the King, and ten under the patronage of the Society.

His Majesty has been pleased to express, in the most favourable terms, his approbation of the proposed Society, and to honour it with his munificent patronage, by assigning an annual sum of one hundred guineas each, to ten of the Associates, payable out of the privy purse; and also an annual premium of one hundred guineas for the best Dissertation on some interesting subject, to be chosen by a council belonging to the Society.

Ten Associates will be placed under the patronage of the Society, as soon as the subscriptions (a large portion of which will be annually funded for the purpose) shall be sufficient, and in proportion as they become so. An annual subscriber of ten guineas, continued for five years, or a life subscription of one hundred guineas, will



entitle such subscribers to nominate an Associate under the Society's patronage, according to the date of their subscription.

The Associates, under the patronage of the King, will be elected by respected and competent judges. The Associates nominated by Subscribers must have the same qualifications of learning, moral character, and public principle, as those who are elected, and must be approved by the same judges.

Every Associate, at his admission, will choose some subject, or subjects, of literature, for discussion, and will engage to devote such discussions to the Society's Memoirs of Literature, of which a volume will be published by the Society, from time to time; in which Memoirs will likewise be inserted the successive Prize Dissertations.

From the months of February to July, it is purposed that a weekly meeting of the Society shall be held; and a monthly meeting during the other six months of the year.

#### INSTITUTIONS IN WALES,

##### *For the Promotion of Ancient Literature, Poetry, and Music.*

The recent transactions in the principality were of a nature to afford gratification to all who feel an interest in the preservation of ancient relics, and the revival of ancient literature, as well as the fostering of living merit. Several of the nobility, clergy, and gentry, came forward in a very spirited manner, to support the designs of the Bardic and Literary Institution, first formed at Carmarthen, in South Wales, under the patronage of Bishop Burgess and Lord Dynevor, and now in North Wales, under the sanction of the pa-

triotic Sir Watkin Williams Wynne, and his brother Charles W. Wynne, Esq. A Society, under the name of "The Metropolitan Cambrian Institution," was also formed in London, to which his Majesty condescended to extend the royal patronage. Even in the present infant state of these designs, a pleasing spirit of emulation was excited among the natives of Cambria.

At the Eisteddhood, or Bardic session, held at Carmarthen, July 5, 1819, Bishop Burgess presided with great ability and zeal. The principal poems were, 1. A Welsh Ode on the Death of her late Majesty Queen Charlotte, by Mr Williams, of Llanedgai, Carnarvonshire.—2. A Poem on the Death of that brave Cambrian Sir T. Picton, by the Rev. Walter Davies; and an English Imitation of it by the Rev. Mr Lloyd, which had been set to music by Mr Parry, of London. The premium for the best prose essay in English, on "The Language and Learning of Britain during the Roman period," was awarded to the Rev. John Jones, of Llanvair, near Bangor. The Rev. Walter Davies filled the Bardic chair, and Mr Blaney, of Montgomeryshire, after a contest with his neighbour, Mr Humphreys, gained the honour of the silver harp, and a premium of thirty guineas.

The anniversary of the Cymmrodorian, or Cambrian Society, for the district of Powys, including the counties of Montgomery, Denbigh, and Flint, was held at Wrexham on the 13th and 14th of September, when Sir W. W. Wynne, supported by his brother, Charles W. Wynne, Esq. and Sir Edward Lloyd, presided in a very spirited and able manner.

The principal prize-poem had for its subject, "The Death of his late Majesty King George the Third." The premium of fifteen guineas was awarded to a bard well known in the principality, Mr Robert Davies, of

Nantglyn, near Denbigh, who was placed in the bardic chair, according to ancient custom. There were fourteen competitors for this prize; eleven for the second prize, on "The Cambrian's Attachment to his Native Land," adjudged to Mr Evan Evans; and forty-nine for the third poetic garland, conferred on Mr James, the harper, for the best Englyn, or sonnet, on "What is Poetic Genius?" (*Pa beth yw Awen.*)

PROSE ESSAYS IN ENGLISH.

1. On the Notices of Britain, under whatever name in ancient Authors; containing Extracts from the Originals, with translations and comments. The Rev. W. T. Rees, A. M. Rector of Cascob, Radnorshire, and Prebendary of Brecon.

2. On the History and Character of the real Arthur, King of the Britons, and the fabulous Character of that name, whether of Romance, or of Mythology. Mr John Hughes, of Brecon, author of *Horæ Britannicæ*, in two vols.\*

There were ten competitors for the honour of the silver harp, which was awarded to R. Roberts, a blind man.

The meeting concluded with an address from Chas. W. Wynne, Esq. and some poetic effusions from the Rev. Walter Davies, the chief of modern bards.

It appears by a summary of the Members of the Universities of Oxford and Cambridge in their Calendars for 1819 and 1820, that the following is the number:—

1819	<i>Oxford.</i>	
Members of Convocation,		1874
— of the Books,		3984
1820. — of Convocation,		1873
— on the Books,		4102

1819.	<i>Cambridge.</i>	
Members of the Senate,		1495
— on the Boards,		3698
1820. — of the Senate,		1558
— on the Boards,		3395

It appears from the Eighth Report of the National Society, that there are 1467 schools on Dr Bell's system; and from the Fourteenth Report of the British and Foreign School Society, that there are 297 schools upon the Lancasterian plan; making a total, upon the new system, of 1764 schools.

At the sale of the late Mr Bindley's library, at Evans's, in Pall-mall, a collection of single poems and ballads, published at about a halfpenny or one penny each, bound in eight volumes, sold at the immense price of L.837.

The commercial world will learn with satisfaction that a plan has been commenced, under the auspices of the British Government, for determining the relative contents of the *weights and measures* of all trading countries. This important object is to be accomplished by procuring from abroad correct copies of Foreign standards, and comparing them with those of England at his Majesty's Mint. Such a comparison, which could be effected only at a moment of universal peace, has never been attempted on a plan sufficiently general or systematic; and hence the errors and contradictions which abound in tables of Foreign weights and measures, even in works of the highest authority. In order, therefore, to remedy an inconvenience so perplexing in commerce, Lord Castlereagh has, by the recommendation of the Board of Trade, issued a circular, dated March 16, 1818, directing all the British Consuls abroad to send home copies of the principal standards used within their respective consulates, verified by the proper authorities, and accompanied

by explanatory papers and other documents relative to the subject. Most of his Lordship's orders have been already executed in a very full and satisfactory manner. The dispatches and packages transmitted on the occasion are deposited at the Royal Mint, where the standards are to be forthwith compared. The comparisons are to be made by Robert Bingley, Esq. the King's Assay Master of the Mint, and the calculations by Dr Kelly, of Finsbury-square, who originally submitted the plan to government; and who will publish the results of those comparisons and calculations, as soon as they are completed, in the second edition of his "Universal Cambist."

A report was this year made to the Society of Education at Paris by M. Jomard, from which it appears, that the number of schools already established for boys is 48, and for girls 22. These schools are capable of affording accommodation to about 6600 scholars. The whole number of schools in France is said to be upwards of 1000; of which 360 are included in M. Jomard's report. Of these 45 are instituted for girls; and the whole of them might instruct 40,600 scholars, or about 115 per school. On July 1, 1818, there were under instruction 19,175 children. There is also another description of schools, established by "the Brethren of the Christian Faith." These, in the course of three years, have increased from 60 to 142; and, in the year 1818, they had 25,000 pupils.

The theatres in France have long been under the immediate control of the government, and various regulations have at different periods been made respecting them. In November, 1806, a decree was passed, and which still remains in force, enacting, that a decime on every franc of the price of admission at all places of public amusement, should be collected for

the use of the poor,—that is, one tenth part of the receipts. The following is the produce of the duty in francs for three years, 24 francs to a pound sterling.

	1814.	1815.	1816.
Theatres . . . . .	446,551	419,038	452,635
Fetes Publiques . . . .	13,383	13,614	10,887
Balls . . . . .	5413	5675	6913
Concerts . . . . .	4763	3021	5922
Soirees Amusantes . . .	2341	2713	4362
Panoramas . . . . .	3551	2613	2511
Pests Spectacles . . .	2635	3636	8608
Curiousities . . . . .	6470	6516	6420
Total . . . . .	488,137	491,826	497,358

The French actors form a kind of joint stock company, and a committee of six, with a commissioner named by the government, is appointed to manage the interests of the society. The committee, however, have little power, the principal authority being vested in the commissioner. The receipts of the theatre are divided into twenty-four equal parts; one part is set aside for unexpected demands; one half part is given to the pension or superannuated fund; another half part is assigned to the decorations, scenery, repairs, &c. The other twenty-two parts are distributed amongst the actors, none receiving more than one part, nor less than one-eighth of a part. The actors, on entering this society, contract an engagement to play for twenty years, after which they are entitled to a retiring pension of 4000 francs per annum, (about 170*l*.) These pensions are payable, half out of an annual allowance of 100,000 francs (about 4200*l*.) made by government to the theatre, and the other half out of funds raised out of the receipts and contributions of the actors.

• *Les Annales des Lagides*, published at Paris, announced a fact that the learned in general were not acquainted with. The number of reigns of the Greek-Egyptian kings, successors to Alexander the Great, has been

generally fixed at ten; but proof is here adduced, that they amounted to twenty-one. This work was crowned last year with the particular sanction of the Royal Academy of Inscriptions and Belles Lettres, at the competition for prizes; and it has been justly recommended in various French periodical publications, as one of the most important that have appeared on ancient history for many years.

- It contains, in fact, the history of Egypt under the Ptolemies, from Alexander to Augustus; and, as those kings had a share in almost all the great events that occurred either in Europe or Asia for about three centuries, a chronological synopsis of their history serves also to illustrate that of the princes or states that were their contemporaries. A number of chronological tables are annexed, with two cuts, or plates, of medals. The author is M. Figeac.

GERMANY.—The Emperor Francis published an edict, ordaining that the work entitled, '*Jus Criminale Hungaricum*,' or the Criminal Laws of Hungary, published by M. Vuchetich, Professor of the Roman Civil Law, &c. in the University of Pesth, be considered as the standard and guide by which all the lectures on law in the Universities of Hungary shall be modelled. His Majesty has ordered the sum of 3000 florins to the author.

The number of students in the University of Leipsic increased to upwards of a thousand. Many that were at the University of Jena, and which they were obliged to quit, repaired to Leipsic, where their conduct was unblameable. At Jena, there were thirteen Greeks, seven of whom are now at Leipsic, where others of their countrymen had previously been prosecuting their studies. A number of Courlanders and other Russians were also in that University.

There was published at Vienna, a

polemical Journal in the Greek language, entitled *Calliope*, the object of which was to deprecate the taste for Literature and the Arts beginning to revive in Greece. The ostensible editor is M. Athanasius of Stagyra, but the real editor is a *soi-disant* Athenian, whose name is odious to all Greeks that are lovers of liberty. The seventeenth number contained a libellous and offensive diatribe, levelled at the methods of Pestalozzi, which, by an inexcusable ignorance, were confounded with the philosophy of Kant. Invectives the most outrageous and abusive were lavished upon the venerable Coray, the most illustrious of modern Greeks, who, by all the intelligent men of that unhappy nation, is hailed as the reformer, the father, and the benefactor of his country.

A Geographical Society was established at Vienna, the object of which was to facilitate the execution of different labours projected in the interior of the Austrian monarchy, and to concentrate various means of information relating to geography and statistics. M. the Baron de Schwitzen, counsellor of state, was occupied in the formation of this Board, which is placed under the immediate direction of the Council of State.

There was recently discovered in the Ambrosian Library at Milan, a manuscript copy of the Iliad of Homer of the fourth century, with sixty pictures, equally ancient. The characters are square capitals, according to the usage of the best ages, without distinction of words, without accents or the aspirates; that is to say, without any sign of the modern Greek orthography. The pictures are upon vellum, and represent the principal circumstances mentioned in the Iliad. M. Angelo Maio, professor at the Ambrosian College, caused the manuscript to be printed in one volume, with the engravings from the

pictures, and the numerous *scholia* attached to the manuscript. These new *scholia* fill more than thirty-six pages in large folio; they are all of a very ancient period, and the greater part of them are by authors anterior to the Christian era and to the school of Alexandria. The authors quoted are one hundred and forty in number, whose writings have been lost, or are entirely unknown. The manuscript, however, does not contain the *Iliad* entire; but only the fragments which relate to the pictures.

A letter, dated December 23, 1819, from A. Mai, the principal librarian of the Vatican to the Pope, giving an account of Cicero's *Treatise de Republica*, excited great expectation.

"I have the honour and satisfaction," says M. Mai, in his letter to the Pope, "to inform your beatitude, that in two re-written Codices of the Vatican I have lately found some lost works of the first Latin classics. In the first of these MSS. I have discovered the lost books *De Republica* of Cicero, written in excellent letters of the best time, in three hundred pages, each in two columns, and all fortunately legible. The titles of the above noble subject, and of the books, appear in the margin; and the name of Cicero, as the author of the work, is distinctly legible. The other re-written codex presents various and almost equally precious works. It is singular that this MS. contains some of the same works which I discovered and published at Milan, and I have here found what was there wanting. I perceived this at first sight, not only from comparing the subject, but also from the hand-writing, which is precisely the same as that of the Milan MS.

"The contents are—1. The correspondence between Fronto and Marcus Aurelius before and after he was Emperor. This is an instructive, affectionate, and very interesting collec-

tion; the first and second books, containing epistles to M. Aurelius, were published from the Milan MS.; that now found in the Vatican contains the third, fourth, and fifth books, as well as the supplement to the second, and some other works by Fronto, Latin and Greek. 2. The fine commentary of the ancient inedited scholiast, on Cicero, begun to be published by me at Milan, and now to be increased by five other orations, with the supplements to those already printed at Milan. 3. A fragment of an oration, by Q. Aurelius Symmachus, with the supplement of two by the same author, already published by me. 4. The supplements to the homily, or Gothico-Ulphilan commentary, a portion of which was also found at Milan, together with an essay of Ulphilas. These valuable works, mixed into two volumes, which were taken for writing parchment in the middle ages, were sent partly to Rome, and partly to Milan, from the Convent of St Columbanus at Robbio. They will now be again united in a Roman edition of them, which I shall lose no time in publishing.

(Signed) "ANGELO MAI."

The public have been already apprised of the publication, in the Armenian language, of the Chronicle of Eusebius; to which may be added, that Doctor Zobrab, who brought the manuscripts to Constantinople, has been an assistant to M. Majo in the Latin translation, and in the publication, by augmenting it with a copious preface, with notes, and with the Chronicle of Dr Samuel, an Armenian writer, who lived in the thirteenth century.

Baron de Niebuhr, Prussian Ambassador to the Holy See, discovered and published several MS. works hitherto unknown. They are chiefly fragments of Cicero's Orations *Pro M. Fonteio* and *Pro C. Rabirio*; a frag-

ment of the 91st book of Livy; and two works of Seneca.

The Abbé Amadeus Peyran, professor of Oriental Languages in the University of Turin, discovered some fragments of Cicero in a manuscript from the monastery of St Colomban de Rabbio, a town on the Trebia, in the dominions of the King of Sardinia. This MS. presents important new readings of orations already known, and confirms the identity of several texts that have been tortured by indiscreet critics. It contains also fragments of the orations *Pro Scauro*, *Pro M. Tullio*, *In Clodium*, orations unfortunately lost.

It appears from a report made on the 1st of June, by M. Scovazzo, director, that a school, on the plan of mutual instruction, was established, with every prospect of success, at Palermo, in Sicily. It was opened for 250 children; the progress was rapid, and the jury of monitors proved very useful. Such was the ardour for this mode of instruction, that holidays were suppressed, and there were no interruptions but the Sunday and certain grand festival days. A general enthusiasm prevails for the new method. There had also been a similar school for about three months at Messina. Others were to be opened at Trapani, Mazara, Agrigento, Syracuse, Termini, &c. and no obstacles whatever occur to the dissemination of this method throughout Sicily. Even the Jesuits have adopted it in their college of Alcamo, and before the expiration of two years, there would not be a village without a school of mutual instruction.

SPAIN.—Before the late Revolution in Spain, there was at Madrid but one Gazette, with another Journal or two, occupied in annunciations of ecclesiastical holidays, processions, &c. or the price current. At present, the list is little short of formidable.

It comprises, 1. "The Gazette of Madrid." 2. "The Ancient Journal of Madrid." 3. "La Miscellanea," published every fortnight: it opposes religious intolerance and political prejudices. 4. "Le Constitutionnel," in the same spirit. 5. "The Law," in support of legal authority. 6. "The Publicist," supports the constitution and opposes despotism. 7. "The Courier, political and literary:" its contents are more miscellaneous than those of the other journals; which, however, do not wholly lose sight of literature. 8. "The Bee-hive, or Colmena," exerts itself in favour of the unhappy and oppressed, in firm and determined language. 9. "The Spanish Minerva." 10. "The National Minerva." 11. "The Palladium, or Patriotic Journal of the Societies of St Sebastian, and of the Inn of Malta." This paper takes its tone from the Societies it represents: it is now less furiously patriotic than it was formerly. 12. "The Zealous Citizen." 13. "The Aurora:" this journal records the proceedings of patriotic societies; it has been extremely personal, but is now less violent. 14. "The Conservator," constitutional and loyal. 15. "The Vigilant." 16. "The Sun" records accurately decrees and edicts. 17. "The Chronicle of the Arts." 18. "The Universal Observer" is distinguished by impartiality and moderation. 19. "The Messenger." 20. "The Economic Library," or Annals of Arts, Agriculture, and Commerce. Publications of this description have been for some time past popular in Spain: the present has been well received. 21. "Correspondence between two Friends of Liberty:" this paper discusses subjects too elevated for the popular mind. 22. "Letters by a poor little Pretender," was a work intended to tell truth ironically: the attempt supposes the author to possess much taste,

much knowledge of life, and of popular errors and vulgar prejudices. The author has lately directed his attention to the support of other works.

23. "The Pretender's Companion."

24. "The Periodico-Mania" undertakes to castigate the other journals, and wonders at the liberty of the press, which tolerates them all. 25. "The Contra Periodico-Mania" vindicates the journals, and their number.

Independently of all these periodical publications, the press teems with answers, apologies, and explanations, relative to attacks, allusions, personalities, or errors, contained in the journals; and in competition with all these, crowds of sermons, discourses, and commentaries on the Constitution, press on the notice of the public. There is, indeed, a Censor of the Press appointed; but, at present, the office is extremely indulgent. The principal country towns also have their journals,—Barcelona, Valencia, Saragossa, Cadiz, and Corunna.

SWEDEN.—The Universities of Sweden are in a very flourishing state. In the first quarter of last year the number of students at Upsal amounted to 1197, and those of Lund to 600. The whole of the establishments of the kingdom professing to communicate classical education, contained 3185 scholars. These establishments cost the state annually about 60,000*l*.

DENMARK.—The royal library of Copenhagen contains between 3 and 400,000 volumes of printed works, and a prodigious number of interesting MSS. At the sale of the fine library of Count Otto Thot, amounting to 116,395 volumes, exclusive of pamphlets, manuscripts, and *incunabula*, the royal library obtained an accession of 50,000 volumes; and the Count, by his will, had bequeathed to it 4154 MSS., with his valuable collection of 6159 works that had been

printed before the year 1530. In 1789, the Danish government bought up the library of Lixdorf, rich in classical works and in MSS., and it was annexed to the royal library. It afterwards received valuable acquisitions at the sale of the libraries of Oeder, Holmskiold, Rottboll, Ancher, and others, in 1789, 90, 91, 92, 93, 94, and 98. In 1796, an accession was made of the immense library of Suhm, the historian. He had collected, in the course of 50 years, 100,000 volumes, which he left to the disposition of the public. A little before his death, he presented them to the royal library; it was not so large, but was a better selection and of higher value than that of Thot. In 1787, previous to these numerous acquisitions, the royal library contained a very great number of books and MSS.

GREECE.—The public schools established at Smyrna and Chios had hitherto been attended with the happiest success. The great College of Chios was particularly distinguished, and students flocked to it from all parts of Greece. Its three most celebrated Professors were Bardalosios, Seleri, and Bambas. Bardalosios has published a Compendium of Experimental Philosophy, and an Essay on Greek Pronunciation, in which the modern Greek etacism is treated with more than usual leniency. Professor Seleri had nearly ready for the press a Manual of Mathematics, selected from his Lectures. Bambas, who for a long period studied mathematics, philosophy, and natural history, in Paris, was now about to publish, in the modern Greek language, an elementary book on chemistry from Thenard. His Compendium of Rhetoric has already had an extensive circulation. Some time ago, a new printing-office was established at Chios, the whole apparatus for which was brought from Paris.

A German, named Byrhoffler, is at the head of this establishment.

Chios then enjoyed perfect tranquillity; for, in consequence of an agreement entered into with the Turks, it was governed entirely by Greek Magistrates. In the meanwhile large sums were devoted to the maintenance of public institutions—a library was forming under the superintendence of the celebrated Greek scholar, Coray of Paris; through the liberality of private individuals, about 30,000 volumes were already collected. The College of Chios at present contains about 700 students, and their numbers are constantly augmenting. Professor Raumus was at the head of the College of Smyrna; he had published a System of Philosophy, in four volumes, modelled after the system of Professor Krug of Leipsic. The work is dedicated to Coray.

These improvements among the modern Greeks must naturally tend to render their language popular throughout Europe. Weigel, the bookseller of Leipsic, published an excellent Dictionary and a Modern Greek Grammar by Professor Schneider; and in England there has lately appeared a very useful little Grammar of the Modern Greek language by Dr Robertson, who is a member of the Philomusæ Society, of Athens, and of the Ionian Academy. The stereotyped editions of the Greek authors published by Tauchnitz of Leipsic, are extensively circulated throughout Greece on account of their cheapness. Weigel is also engaged in preparing a corrected edition of the principal Greek prose writers and poets, which is to be published under the general title of the "Bibliotheca Græca;" it will no doubt be eagerly sought after in Greece. Even the observations on Greek geography are gradually acquiring fresh accuracy.

The Athenian Society of the Philomusæ, which was instituted by the

Vienna Congress in 1815, proposes sending four young Greeks to Italy and Germany to complete their education: the society consists of 300 members, most of whom are foreigners. According to letters from Mr Robert Pinkerton, that active agent of the British Bible Society, it appears that a Society for the Promulgation of the Gospel has been established at Athens. The Archbishop residing at Constantinople has been chosen President, and the British Consul, Logotheti, together with Mr Tirnaviti, are Vice-Presidents.

The modern Greeks speak a language resembling that of the ancients in almost every respect. But time, conquest, slavery, the barbarism of ages, have introduced some new terms, and altered the rules of syntax in certain points. The Greek inhabitants, however, understand pretty exactly all the ancient Greek, when it is spoken in the pronunciation now in use, which seems to have been that of the time of Constantine. As the two languages accord in so many points of contact, the modern Greek may be considered as a mere idiom confined to the lower classes of society, and which it would be well to remove, as far as it may be practicable, by recalling the ancient.

It is curious to observe the gradual disuse of Greek among the Greeks, produced by the change of their residence. In Greece the Turks speak only Greek; in Constantinople the Greeks speak both Greek and Turkish, but only the former to each other; in Asia Minor, along the coast, they can speak Greek when addressed in it, but talk Turkish to each other. And in the interior parts of Asia Minor, they know no other language than Turkish.

A college on a large scale was about to be founded at Zagori, in the province of Epirus. The voluntary donations for this establishment amounted



already to 60,000 francs. M. Neophytos Doucas, a learned Greek ecclesiastic, has contributed himself the sum of 10,000 francs.

The reigning prince of Wallachia, Alexander Soutzos, who is a Greek by birth, desirous of distinguishing his patriotism by actions, and especially by promoting of letters and civilization, has determined to send to the most eminent schools of Europe several young Greeks, who may there finish their studies at his expence, and then return home to give their native country the advantage of the knowledge they have acquired. A plan is also in forwardness for the establishment of a grand college at Adrianople. It has been patronized with zeal by Baron George Sakellarios, one of the richest Greek merchants settled in the dominions of the Emperor of Austria. The Baron is a native of Adrianople, and having opened the list by a liberal subscription, he has excited the emulation of his compatriots, to whom he has written in strong terms on the subject. The Archbishop of Adrianople, M. Proios, native of Chios, a man of great learning, and who long resided at Paris, has employed all his patriotic eloquence in behalf of this college; and a person unknown has bequeathed a landed estate valued at 1000*l*. By such means, in the first instance, the Greeks are endeavouring to deliver themselves from that state of degradation in which they have been so long enthralled.

**TURKEY.**—For some time there has been printing at Constantinople, in the patriarchal press, a grand Dictionary of the Greek language, ancient and modern, the first volume of which has already appeared. It will consist of more than six large volumes in folio. All the Archbishops and many of the Archons of the Phanar, &c. are subscribers.

**RUSSIA.**—A collection of nearly 500

Persian, Arabic, and Turkish MSS. was added at once to the treasures already possessed by the Asiatic Museum of the Petersburg Academy. They were collected in Syria, Mesopotamia, and Persia, by a person versed "in those languages, namely, M. Rousseau, formerly the consul-general of France at Aleppo, and since at Bagdad, and taken to France, where they were immediately purchased for Russia before any competition arose from other countries. The Asiatic Museum, which was already distinguished by its fine collection of Chinese, Japanese, Mantchou, Mongol, Kalmyck, and Tungusian writings, as well as of Oriental coins and antiquities, had, by this sudden and great addition of Mussulman MSS., gained in utility as much as it has acquired in higher rank among similar collections in foreign countries.

The periodical publications under the patronage and sanction of the Russian government were as follows: 1. The Petersburg Journal, published by the Academy of Sciences, in the Russian and German languages, is one of the oldest journals in Russia. 2. The Moscow Journal, published by the University. 3. The Casan Journal, compiled by the professors of the University; and similar journals are published at Riga, Wilna, Charkow, Astrakan, and at other chief cities. There are also, *Le Conservateur Impérial*, printed in French, under the direction of the minister for foreign affairs; the Journal of the Senate, in Russian and German; the Northern Post, or New Petersburg Journal, by the ministry for the home department: it comprises news, economy, technology, manufactures, and commerce. The Russian Invalid, or Military Journal, is intrusted to a committee, and appears daily, containing the Emperor's orders of the day, military promotions, with intelligence, as

well political as literary ; and memoirs of the Admiralty Department, which contains whatever is interesting to the Russian navy.

The University of Moscow was rebuilt on a better plan, and in a style of greater magnificence than before the conflagration. The Emperor, besides his other bounties, consigned the sum of 400,000 roubles for the erection of an hospital close to the University, for the purposes of a clinical school, wherein, at present, at his charge, are 200 medical students, besides others intended for the Academy of Chirurgery. The new cabinet of natural history is progressively augmenting, under the assiduous direction of Professor Fischer. During the two last years, the collection had acquired a number of minerals, conchites, and birds, with the rich herbary of Dr Trinius.

EGYPT.—The Pacha sent several youths to Milan to study the Sciences and Arts of Europe, under the direction of Sig. Morosi. These young Egyptians were charged with the duty of translating the Gazette of Milan into Arabic. By this means the Pacha will have the news of Europe, as well political as literary, &c. transmitted to him, with all speed and convenience : if he would also reprint this intelligence at Cairo for the information of the Egyptian people, there is no saying how soon Egypt might regain its former eminence for letters, arts, and liberal studies, as well for commerce, wealth, and abundance.

It appears by the news from Egypt, of the 20th of September, that the labours of the canal of Rosetta were proceeding with all imaginable activity, and it was then calculated, that the waters of the Nile might be introduced into it, by the middle of October. In Upper Egypt, some discoveries have been made of certain iron and lead mines. Mehemed Ali Pacha has sent a number of chemists and miners, to

make researches for the gold and emerald mines that have been buried for some centuries, and he has promised a very great reward to any that shall discover a coal mine in Upper Egypt.

POMPEY'S PILLAR.—The inscription on the column at Alexandria, known by this name, which has long baffled the endeavours of the learned, has at length been completely deciphered. It proves that the column was dedicated to Diocletian, by Prosidius, prefect of Egypt. No tradition informs us how it gained its old appellation. The following is the true reading :—

ΤΟΝ ΤΙΜΙΩΤΑΤΟΝ ΑΥΤΟΚΡΑΤΟΡΑ ΤΟΝ ΠΟΛΙΟΥΧΟΝ ΑΛΕΞΑΝΔΡΕΙΑΣ ΔΙΟΚΛΗΤΙΑΝΟΝ ΤΟΝ ΑΝΙΚΗΤΟΝ ΠΟΪΔΙΟΥ ΕΠΑΡΧΟΥ ΑΙΓΥΠΤΟΥ.

“ Posidius, Prefect of Egypt (has erected) the most honoured Emperor, the guardian deity of Alexandria, Diocletian the Invincible.”

Letters from Canton report the successful prosecution of Mr Morrison's labours, in the printing of his Chinese Dictionary. The second part was begun in April, 1811 ; this volume consists of a thousand printed pages, in 4to, and contains above 12,000 Chinese characters, the most in use, with numerous examples. In Feb. 1819, 600 pages, comprising near 8000 characters, were completed. The printing of all the volumes of this important work will occupy a space of hardly less than ten years.

At Sydney, in New South Wales, there are, at present, three public journals, and five other periodical publications. A second printing office has also been established lately at Port Jackson. They now export cattle to the Isle of France, and the market at Sydney is considered as plentiful in the different commodities of Europe, as well as of India and China.

## LOCAL IMPROVEMENTS AND ESTABLISHMENTS.

THE Regent's Canal, opened for business on the 1st of August, 1820, commences at Paddington, where it joins that branch of the Grand Junction which is called the Paddington Canal, and thus communicates with all the navigable rivers, &c. in England. From this point it proceeds in a N. E. direction, and passes, by means of a tunnel of 372 yards, under Maida-hill; then round the Regent's Park, through Camden-town (where it takes an easterly course) and Somers' town, near which it enters a second tunnel of 970 yards, and penetrates Islington-hill, burrowing below the bed of the New River. It emerges again near Brick-lane, and continues nearly in the same direction through the parishes of St Leonard, Shoreditch, and St John's, Hackney, traversing in these districts the King's-land and Hackney-roads, and Cambridge-heath. Then entering the parish of Bethnal-green, it bends to the south, passing through the fields adjoining Mile-end and Stepney; and crossing both the latter places, as also the Commercial-road, it opens into a spacious dock formed at Limehouse, which completes the navigation by a direct communication with the Thames. The line of canal is nine miles, running chiefly west to east, over which are thrown thirty-six substantial brick bridges; and it descends eighty-six feet to the river by means of twelve double locks, besides a tide lock. Its average breadth is forty-eight feet, and the towing-path is twelve feet, which together occupy about eighty acres of ground; independently of the dock of six acres at Limehouse, and the City road basin.

The latter is a capital work, 100 feet wide, 1600 feet long, and with its commodious wharfs covers twenty-five acres. The tunnel, of more than half a mile in length, which carries the canal under a part of the town of Islington, and also bepeath the New River, is seventeen feet and a half in width, and nineteen and a half in height. Of the latter space, seven feet and a half are the depth of the water, and eleven feet and a half remain between the surface of the canal and the roof of the tunnel. It is passed, without any aid from towing-lines or poles, in from fifteen to seventeen minutes, and is well worth the notice of those whose laudable curiosity and desire of knowledge have never been gratified by an opportunity of seeing so striking a proof of the powers with which science has invested the civil engineer. The Regent's Canal is one of the works for which the public are indebted to Mr Nash, by whom it was originally projected, and under whose direction it has been carried on—through a multitude of difficulties which could have been surmounted only by great ability, activity, and perseverance—to its final completion. It was begun in 1813, and opened on the 1st of August last. The expence, which amounts to about 600,000*l.*, has been exceedingly swelled by the extravagant price at which the land required has been obliged to be purchased, and by many actions which the company of subscribers were called upon during the progress of the work to defend. The average charge, as an example, for conveying manure by this canal, is tenpence per ton; gravel, chalk, lime,

bricks, and iron, about one shilling; coals, lead, and copper, sixpence. To the inhabitants, therefore, of Hampstead, Kentish Town, Highgate, Hornsey, Tottenham, Hackney, &c. and also of the parishes of Marylebone and Paddington, this mode of communication with the Thames must prove highly beneficial.\*

*New Improvements east of Carlton House.*—All the arrangements are at last formed for the architectural improvements east of Pall-Mall; and in the spring the workmen will begin pulling down the old buildings, commencing with Waterloo House. The other premises to Suffolk street, including the west side of that street to Little Suffolk street, and the south side of the latter, are also to be removed; and a few of the houses in Hay-Market, opposite the Opera-house, are to be re-built; Cockspur street, from the east side of Suffolk street to Whitcomb street, is to be widened by the reduction of the frontage of the houses No. 1, 2, 3, 4, 5, and 6. Whitcomb street will be no longer a thoroughfare; a high brick wall is to be erected nearly opposite the Mews-gate. The outlet for carriages will be from Little Suffolk street.

The interesting ceremony of laying the foundation stone of a literary and philosophical institution at Bristol, lately took place, which was attended by numerous persons of the first consideration in the city. The building will contain a spacious lecture room, with a laboratory adjoining; a room of noble dimensions destined for a library; one for an exhibition room, another for a museum; a reading room for magazines, reviews, pamphlets, &c. A new line of communication connecting the Gloucester and Berkeley canal with the Thames, and Severn, and Stroudwater canals, was lately opened.

A site has been fixed upon for the erection of the Fitzwilliam Museum

at Cambridge; but the probable expence of completing it, requiring a sum little short of twenty thousand pounds more than the Fitzwilliam fund is competent to defray, an application is to be made to the University, to contribute the sum necessary for its completion.

Nearly 4000*l.* has been subscribed towards a new Observatory at Cambridge.

The first stone of a free National School at Pancras, under the patronage of the Duke of Sussex, and presidency of the Duke of Bedford, was laid on the 7th August; it is to contain 400 boys.

An iron bridge, in one span, was lately opened over the river Chalmers, at Springfield, in the great east road leading to Colchester, Harwich, &c. This is the most classically elegant iron bridge ever erected in this kingdom. It is of a superb Gothic order, and is highly creditable to the taste and ability of Mr Dodd, the engineer, in making it a flat bridge, similar to his design of the Waterloo: it being on the principle of tenacity, it has room and play for the expansion and contraction of the iron, created by the change of heat and cold.

A handsome building at Newport, called the Isle of Wight Institution, has just been completed, and the Philosophical Society of that place have removed thither, and have commenced their winter course of lectures. Several of its enlightened members have taken different districts of the island, for the purpose of more, thoroughly investigating its geology and botany during the last summer, and some very interesting papers are expected in the course of the session.

A most admirable institution is about to be established in the county of Lancaster, for the reform of discharged criminals. The design has been taken up with spirit by the wealth and rank

of the county ; and it is under the sanction of the collective magistracy—the Lord Lieutenant of the county is patron. The philanthropic bishop of the diocese is also active in the formation of the laudable undertaking. The purposes of the institution are thus announced in their prospectus :—“ To provide a temporary asylum for persons of both sexes, liberated from penit confinement in the several jails and houses of correction belonging to the county palatine of Lancaster ; to furnish them with the means of religious instruction ; to habituate them to a system of moral and Christian restraint ; to employ them in various trades of profitable labour, qualifying them, during their residence in the refuge, for the future exercises of some honest, industrious, and reputable calling ; by mild restraints and reasonable motives to reform the character to the voluntary exercise of self-government, and to habits of practical virtue ; and when, at length, such progress in amendment is made as to justify a readmission to the free intercourse of society, then to furnish recommendations, (which, it is hoped, the merciful part of mankind may receive) or to secure for them, by other means, such situations in life, as may be suited to their condition and acquirements.”

A new market is about to be erected at Liverpool, which will be the completest thing of the kind in England. It is to be covered all over, and will be in length five hundred feet, and

in breadth three hundred feet, with a handsome elevation in front. The estimated expence of this work exceeds 30,000*l*.

The counties of Cumberland and Westmoreland are now joined by a handsome new cast-iron bridge, erected at the expence of the Earl of Lonsdale.

Two new churches are about to be erected at Wakefield ; and the foundation of a new church was on the 3th of June laid at Harwich.

On the 27th October the foundation stone of the Jail, for the royal burgh of Jedburgh, and Bridewell for the county of Roxburgh, was laid on the Castle-hill of Jedburgh, with great solemnity, by William Hope, Esq. of Hope House, Provost of the Burgh, and Acting-Master of the Lodge of St John of Jedburgh, assisted by the Master of St Andrew's Lodge, the Brethren of both Lodges, and by numerous and highly respectable deputations from Lodges of the district, with the Committee of Commissioners of Supply for building the jail, and the Magistrates of Jedburgh.

The Edinburgh College Museum promises to be one of the most valuable and splendid in Europe. The classical zoological cabinet of Dufresni of Paris, has been purchased by the College. The sale of Bullock's Museum, London, was attended by a gentleman on the part of the University, and he is understood to have made purchases to a considerable amount.

## VI.—LISTS.

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## BIRTHS, MARRIAGES, AND DEATHS,

WITHIN THE YEAR 1820.

### BIRTHS.

\* JANUARY 1. At Quebec, the lady of James Kerr, Esq. Judge of the Court of King's Bench, a son.

— At Rome, the lady of Henry Harvey, Esq. a daughter.

— At Paris, the Duchess of Orleans, a Prince.

3. At St Michael, department de la Meuse, the Hon. Mrs Charles Gordon, a daughter.

5. At Rockville, the Right Hon. Lady Eleanor Balfour, a son.

7. At Edinburgh, Mrs Maitland Gibson, younger of Cliftonhall, a son.

10. At Woolwich Common, the lady of Captain H. W. Gordon, a daughter.

11. At Edmund Castle, Cumberland, the lady of Sir Hew Ross, K.C.B. a daughter.

12. At Brighton, the Hon. Mrs Captain Sotheby, a son.

2. At Knockbreak, Ross-shire, the lady of Hugh Ross, Esq. a son.

15. Mrs Cunningham Graham of Gartmore, a daughter.

— At Acton, Middlesex, the lady of Henry Alexander Douglas, Esq. a son.

— At Gibraltar, the lady of Major Thomas Fyers, Royal Engineers, a son.

17. At Calcutta, the lady of Hugh Hope, Esq. of the Hon. East India Company's civil service, a son.

18. At her house in George Street, Lady Elizabeth Hope Vere, a daughter.

— The lady of Thomas Lauder Dick, Esq. of Belugas, a son.

19. At Boulogne, the lady of Hugh Rose, Esq. of Glastulich, a daughter.

23. Lady Petre, a son.

— At Edinburgh, Mrs Lockhart of Castlehill, a son.

23. At Edinburgh, Mrs Johnston of Alva, a daughter.

25. In Mansfield Street, London, the Hon. Mrs Hope, a son.

27. At Timpendean, Mrs Walker, a daughter.

28. The lady of G. A. Fullerton, Esq. of Fera Hill, Berks, a son.

31. The Marchioness of Sligo, a son and heir.

— The Viscountess Duncan, a son.

Lately, Lady Graves, a son.

FEBRUARY 1. The Countess of Clonmel, twin daughters.

4. Mrs Forrest of Comiston, a daughter.

5. At Pendreech, Mrs Captain MacKenzie, a daughter.

7. At Portobello, Mrs Douglas, Great King Street, Edinburgh, a son.

9. At Peebles, Mrs McGowan of Winkston, a son.

— At the Union Hotel, St Andrew's Square, Edinburgh, Mrs Horrocks, a son.

11. At St Helena, the lady of Lieutenant-General Sir Hudson Lowe, K. C. B. a son.

17. At Island Bridge, near Dublin, the lady of Captain H. G. Jackson, a son.

18. At Hilton, Mrs Pearson of Myrecairn, a daughter.

19. The lady of William Johnston, Esq. of Lathrisk and Bavjaw, a son and heir.

21. At Culloden, Mrs A. Gordon, a son.

— At Douglas, near Cork, the Hon. Mrs Henry Murray, a son.

22. At Edinburgh, the lady of William Ogilvie, Esq. younger of Chesters, a daughter.

23. Mrs James Borthwick, Abercromby Place, Edinburgh, a daughter.

• 23. Mrs John Wardrop, 103, George Street, Edinburgh, a daughter.

26 At Edinburgh, Mrs Stevenson, Albany Street, a daughter.

28 At Reading, Berks, the lady of Lieutenant-Colonel Wemyss, a son and heir.

— At Deal, the lady of Captain McCulloch, of his Majesty's ship *Severn*, a son.

*Lately*, Countess Temple, a daughter.

— Viscountess Massarene, a son.

— The Countess of Wicklow, a daughter.

MARCH 1. at Teviot Bank, the Hon. Mrs Elliott, a daughter.

— At Edinburgh, the lady of Alexander Norman Macleod, Esq. of Harris, a daughter.

3. At Riga, the lady of Alexander Renney, Esq. a son.

5. The lady of Major-General the Honourable Alexander Duff, a daughter.

— At Ladyland, Mrs Cochran, a daughter.

8. At Shotteshbrook, the Hon. Mrs Vansittart, a son.

— The lady of Major Martin, Broughton Place, Edinburgh, a daughter.

9. At Dundalk, Ireland, the lady of Major Wallace, of the King's Dragoon Guards, a son.

10. In Bedford Square, London, the lady of A Spottiswoode, Esq. a daughter.

— At Paisley, the lady of Captain Trouson, 13th regiment, a son.

11. At Shandwick Place, Edinburgh, the lady of Thomas Mackenzie, Esq. a son.

13. At Altyre, the lady of Sir William Gordon Cumming, of Altyre and Gordonstown, Bart. a son.

14. At Ayr, Mrs Fullarton of Skeldon, a daughter.

15. In Lower Grosvenor Street, London, the Right Hon. Lady Catherine Whyte Melville, a daughter.

18. In Great Portland Street, London, the lady of William Anderson, Esq. a son.

20. At Piling House, Mrs Balfour, a son.

21. Mrs Rose of Kilgrock, a son.

25. Mrs Hunt of Pittencrieff, a daughter.

26. At Hampstead House, the Countess of Huntingdon, a son, her tenth child.

27. Lady Fitzherbert, a son.

31. At Orange Hill, the lady of James Christie, Esq. a son.

*Lately*, At London, the Countess of Cowper, a daughter.

— At the house of Viscountess Nelson, Exmouth, the lady of T. Nesbitt, Esq. R.N. a son and heir.

— The Countess of Longford, a son.

— Lady Gardiner, a son.

APRIL 2. In Harleford Row, London, the lady of J. Cowan, Esq. a daughter.

3. The lady of John Buchan Sydeserf, Esq. of Ruchlaw, a daughter.

— The lady of John L. Campbell, Esq.

of Acharader, a son.

6. Lady Moncreff, a daughter.

— At Glentyan House, Renfrewshire, the lady of Wm. Stirling, Esq. a daughter.

7. Mrs Gordon, Heriot Row, Edinburgh, a daughter.

9. Mrs R. A. Oswald, of Moore Park, a daughter.

— Mrs Boyd of Broadmeadows, a daughter.

11. The Lady of the Hon. Captain Maude, Royal Navy, a son.

13. At Paris, the Lady of Major General John Murray, a daughter.

14. Lady Arbuthnot, a son.

16. In Great King Street, Edinburgh, the lady of Captain A. R. Kerr, R.N. C.B. a son.

— Mrs Corsé Scott of Sinton, a son.

— At Hamburg, Mrs Alexander MacLaren, twin daughters.

21. Mrs Gordon of Cairnbulg, a son.

23. The lady of Alex. Hunter, Esq. W.S. a son.

27. Mrs Fernier of Belleside, a son.

— At Dumfries, the lady of Alexander Harley, Esq. a daughter.

28. At Hoefvster, near the Hague, the lady of John Turin Fernier, Esq. a son.

29. Mrs Henderson, younger of Stempster, a son.

— The lady of Major-General Broughton of Rosend, a daughter.

30. Lady Elizabeth Campbell, a daughter.

*Lately*, In Portugal, the lady of Major Mackintosh, 10th Portuguese Cavalry, a son.

— Lady C. Bentinck, a daughter.

MAY 1. At Bessell's Green, near Seven Oaks, Kent, the lady of Sir Charles Dalrymple, a son.

1. Mrs Henny, Castle Street, Edinburgh, a son.

2. At Dumfries, Mrs Taylor of Troqueef Holm, a daughter.

5. The lady of the Hon. William Fraser, a son and heir.

7. The lady of Sir William Milliken Napier, Bart. a son.

8. Lady James Hay, a son.

— At Edinburgh, the lady of Major Orr, a son.

9. At Liverpool, the lady of Francis Maxwell, Esq. a daughter.

10. The lady of Laurence Craigie, Esq. of Glendoeck, twin sons.

12. At Richmond Barrack, Dublin, the lady of Dr McPherson, 42d, or Royal Highlanders, a son.

13. Mrs Bryden of Sandsting, Shetland, a daughter.

17. Viscountess Duncannon, a son.

18. At Edinburgh, the lady of William Robertson, Esq. Great King Street, a son.

19. The lady of Thomas Spencer Lindsay, Esq. of Holymount, a son.

21. The lady of the Hon. Captain Robert Rodney, R. N. a son.

23. The lady of Sir W. W. Wynn, a son.

— Mrs Duff of Hatton, a son.

24. At Great King Street, Edinburgh, Mrs Cathcart, a daughter.

27. At Newcastle, the lady of Patrick Grant, Esq. a son.

31. At Melville Street, Edinburgh, the lady of B. B. S. Stafford, Esq. a daughter.

— In Upper Harley Street, London, the lady of Mr Stuart, a son.

*Lately*, The lady of J. R. G. Graham, Esq. M. P. a son.

JUNE 1. At Bombay, the lady of Michie Forbes, Esq. a son.

2. The lady of Lieutenant-Colonel Macgregor, a son.

— The lady of Godfrey Meynell, Esq. of Meynell Langley, Derbyshire, a son.

4. Mrs Blackwell, York Place, Edinburgh, a daughter.

— At Edinburgh, the lady of J. C. Macleod, Esq. a son.

5. The lady of Alex. Macgregor, Esq. of Balhaldies, a daughter.

— The lady of Andrew Hunter, Esq. younger of Bonnytown, a son.

7. At Bishop's Court, Isle of Man, Lady S Murray, a son.

10. At Canaan, near Edinburgh, Mrs. James Ballantyne, twin daughters.

13. Her Royal Highness the Princess of Orange, a son.

— In Edinburgh, Lady Douglas, a son.

— Mrs Fraser, of Farraline, a daughter.

16. At Barjarg, the lady of William Francis Hunter, Esq. a son.

22. The Duchess of Rutland, a son.

— The lady of Ernest Leslie, Esq. of Balquham, a son.

24. In London, the lady of the Hon. James Stewart, a son.

— The lady of Michael Stewart Nicolson, Esq. of Carnock, a son and heir.

25. Mrs Patison, Abercromby Place, Edinburgh, a daughter.

26. The lady of Sir James Montgomery, Bart. M. P. a daughter.

— At Kingston, Upper Canada, the lady of Lieutenant-Colonel Charles McGregor, 70th regiment, a son.

29. The lady of Alex. McDuff, Esq. of Bonbard, a son.

*Lately*, The Hereditary Princess of Oldenburg, a daughter.

— The Duchess of Richmond, a son.

— Viscountess Cranley, a son and heir.

JULY 1. Lady Frances Webster Wedderburne, a son.

2. At Coats House, near Edinburgh, Mrs Carnegie, a daughter.

1. Mrs Tod, Charlotte Square, Edinburgh, a son.

5. The lady of Lieutenant-Colonel Ross, 4th dragoon guards, a daughter.

— At Biggar Park, Mrs Gillespie, a daughter.

— In George Street, Edinburgh, Mrs Wedderburne, a son.

8. The lady of William Macintosh, Esq. Great King Street, Edinburgh, a son.

12. The Right Hon. Lady Sinclair, a son.

— At Cockairny House, Fifeshire, the lady of Lieutenant-Colonel Moubray, a son.

17. At Shandwick Place, Edinburgh, Mrs General Dundas, a son.

20. At Grange Bank, near Edinburgh, Mrs Hair, a son.

21. At Culdythel, the lady of Affleck Fraser, Esq. a son.

23. In Wexford, the lady of Major Wall, 35th regiment, a son.

24. At Walton-on-Thames, the lady of the Hon. Grey Bennet, a daughter.

29. At Benfield, the lady of Daniel Mackinnon, Esq. a daughter.

30. Lady Charlotte Macgregor Murray, a daughter.

*Lately*, The Countess of Shannon, a daughter.

AUGUST 1. At Rothmaise, Mrs Forbes, a daughter.

2. At Woodslee, the lady of George Scott Elliot, Esq. of Lariston, a son.

— Lady Minto, a daughter.

— At Malta, the lady of Captain Robert Tait, R. N. a son.

4. At Islabank, the lady of Peter Wedderburn, Esq. a son.

— Viscountess Ebrington, a son.

5. The lady of Lieutenant Murray, 91st regiment, a son.

— At Woodhouselee, Mrs Tytler, a son.

6. Mrs Campbell of Possil, a daughter.

— At Edinburgh, the lady of Norman Lockhart, Esq. a son.

8. The lady of Rear-Admiral Otway, a son.

9. At 5, Pitt Street, Mrs Harbourn Strachan, a daughter.

12. At Edinburgh, Mrs Scott, 105, George Street, a daughter.

13. At 56, Great King Street, Edinburgh, Mrs Alexander Thomson, a daughter.

— The Lady Mary Hay, a daughter.

16. The lady of Colonel C. Bruce, C. B. a son.

17. At Edinburgh, Mrs White of Howden, jun. a daughter.

18. The lady of Capt Houston Stewart, R. N. a son and heir.

— Mrs Burnett of Kemnay, a son.

19. Mrs Leslie of Warthill, a son.

20. The Right Hon. Lady Anne Fraser, a son.

21. The Hon. Mrs Colville, a daughter.

22. Mrs McFarlane, 58, Queen Street, Edinburgh, a daughter.

— The Countess of Rosebery, a daughter.

— At Calcutta, the lady of George Swinton, Esq. civil service, a son.

23. At Whiteside Cottage, Polmont, Mrs Clark, a son.

— The lady of Captain Sir John Gordon Sinclair, Bart Royal Navy, a son and heir.

24. At Cornhill, near Aberdeen, the lady of David Young, Esq. a son.

— At Madras, the lady of Captain Tweedie, 2d Madras native infantry, a son.

27. Mrs Grant of Glenmoriston, a son.

— The lady of Major-general Sir Thomas Brisbane, K.C.B. a daughter.

29. At Bighouse, the lady of Major Mackay, a son.

31. At Elgin, the lady of Lieutenant Cr. G. Munro, a son.

*Lately*, The lady of Murdoch McLaine, Esq. of Lochbui, a daughter.

— The Countess of Verulam, a daughter.

SEPTEMBER 2. At Kilbride Castle, Lady Campbell, a son.

— The lady of Sir Thomas Troubridge, Bart. a daughter.

— At Pentlands Manse, Mrs Makeller, a daughter.

3. At Maidstone, the lady of Captain Cooke, late of the 94th regiment, a son.

10. At Hampstead, Mrs Spottiswood of Spottiswood, a daughter.

11. At Meadowbank House, Mrs Macconochie, a son.

13. At Balmamoon, Mrs Carnegie, a son.

— At Balgownie Cottage, the lady of Lieutenant-Colonel D. Forbes, a son.

— At Glasgow, the lady of Captain Stewart, of the Rifle Brigade, a son.

15. Mrs Hopkirk, Northumberland Street, Edinburgh, a daughter.

17. The lady of Joseph Hume, Esq. M. P. a daughter.

18. The lady of Colonel Grant of Grant, M. P. a son.

— The lady of General Sir John Oswald of Dunnekeir, K.C.B. a son.

19. Mrs Wauchope of Edmonstone, a daughter.

20. At Scallaway in Shetland, the lady of John Scott, younger of Scallaway, Esq. a daughter.

22. The Countess Delaware, a son.

— In George's Square, Edinburgh, the lady of Captain Cubitt, a son.

— At Yester, the Marchioness of Tweeddale, a daughter.

23. Mrs Gordon of Milrig, a son.

— The lady of Captain Mackay, of the 71st regiment, a son.

— Lady John Somerset, a son.

25. Mrs Mylne of Mylnefield, a daughter.

26. At Southampton, the lady of George Holmes Jackson, Esq. of Glenmore, a son.

— At Aberdeen, the lady of Major Henderson, Royal Engineers, a son.

— Mrs Lockhart, Albany Street, Edinburgh, a daughter.

27. Mrs Scott, younger of Raeburn, a daughter.

28. Lady James Stuart, a daughter.

— At Edinburgh, the lady of Captain David Campbell, a son.

29. The Duchess de Berri, a son.

30. The lady of James L'Amy, Esq. advocate, a daughter.

*Lately*, At Willey Place, Farnham, the lady of Charles Grant, Esq. a daughter.

OCTOBER 1. Mrs Greig of Hallencraig, a son.

2. In the Colony of Berbice, the lady of D. C. Cameron, Esq. a son.

4. At Durie, Mrs Christie, a son.

5. At Queen Street, Edinburgh, Mrs Inglis, a daughter.

— Mrs James Moncrieff, Northumberland Street, Edinburgh, a son

6. The lady of Sir George Sitwell, Bart. of Renshaw, Derby, a son and heir.

— The lady of Colonel McDonnell of Glengarry, a daughter.

7. The Hon. Mrs Montgomerie Stewart, a daughter.

9. The lady of Capt. Barwick, of the 79th regiment, a son.

13. Lady Ellinor Campbell, a daughter.

— The lady of Duncan Robertson, Esq. of Carron Vale, a son.

— Mrs Lumsden of Tilwhilly, a daughter.

14. The lady of Captain Hodson, Royal Navy, a son.

15. Lady Sophia, wife of James Macdonald, Esq. M.P. a son.

— The Duchess of Newcastle, a son.

16. At Clifton, the lady of Major-General Macleod, a daughter.

— At London, the lady of John Drummond, Esq. jun. a daughter.

— At Seacot, Mrs Balfour, a son.

— At Grange, Mrs Cadell, a son.

— Mrs Ramage Liston, a daughter.

— The lady of Thomas Maxwell, younger of Dundennan, Esq. a son.

— Lady Catherine Halkett, a son.

17. The lady of Major Carmichael, of the 6th dragoon guards, a son and heir.

18. At Penicuik House, Lady Clerk, a son.

19. Mrs Hope Johnstone of Annandale, a son.

21. The lady of Sir James Alex. Gordon, K. C. B. Royal Navy, a daughter.

22. At London, Lady Belgrave, a daughter.

24. The wife of Andrew Elder, a farmer's servant in Penciland, East Lothian, three fine boys.

— In Great King Street, Edinburgh, Mrs Leonard Horner, a son.

25. At Clifdale, in Orkney, Mrs Balfour, a son.

28. At London, the lady of Colonel Fitzclarence, a daughter.

29. Mrs Bell, 9, Queen Street, a daughter.

— The Hon. Mrs Dundas of Dundas, a daughter.

31. The lady of Lieut.-General Hope, a daughter.

— Mrs Hutchins, George Street, Edinburgh, a daughter.

— At Mathias, the lady of David Hill, Esq. a son.

*Lately*, At Dover, the lady of Captain Scott, Royal Artillery, a son.

— Lady C. Seymour, a son and heir.

NOVEMBER 2. At Edinburgh, the lady of James Wilson, Esq. advocate, a daughter.

4. Mrs Colonel Robertson of Halleraig, a daughter.

5. The lady of Philip Hay, Esq. of Balmakewan, a son.

6. Mrs Cunningham of Thornton, a son.

7. At Dalzell, Mrs Hamilton, a son.

8. At Castle Fraser, Mrs Fraser, a daughter.

9. At Edinburgh, Mrs Archibald Constable, a daughter.

11. At Edinburgh, the lady of William Ferguson, Esq. of Kilry, a son.

— The lady of Robert Scott Moncrieff, Esq. a daughter.

12. At 16, Heriot Row, Edinburgh, the Hon. Mrs Wardlaw, a daughter.

— Mrs Crawford, Picardy Place, Edinburgh, a son.

13. Mrs Dr Forbes of Strathdon, a daughter.

16. The lady of Sir Alex. Hood, Bart. a daughter.

18. The lady of Adam Fergusson, Esq. of Woodhill, a son.

17. Lady Kennedy, a son.
19. Mrs Colin Campbell, Jura, a daughter.
21. At Coates House, Edinbrough, the Right Honourable Lady Elbank, a daughter.  
— The Lady of H. G. Leslie, Esq. of Denlugas, a daughter.  
— The Countess of Athlone, a son and heir
22. At Ghent, the lady of Lieut. Col. Muller, of the 1st Royal Scots, a son.
23. The lady of Major-General A. C. Jackson, a daughter.
25. Lady Catherine Cavendish, a daughter
26. Mrs Leith Hay, a son.  
— Mrs Abercromby of Birkenbog, a daughter.
- Lately*, In Richmond Bridewell, of *twins*, a boy and a girl, both doing well, Mrs Catherine Farley, about fourteen months a prisoner there under sentence of *hard labour*!  
— At Edinbrough, the lady of Captain Menzies, a daughter.  
— Lady Kilken, a son
- DECEMBER 3 The Hon. Lady Gibson Carmichael, a son.
4. At Ballechin, the lady of Hope Stuart, Esq. a daughter.  
— At Cheltenham, the lady of Peatson Thompson, Esq. a daughter.
- The lady of the Hon. Lord Cringletie, a daughter.  
— At Preston, the lady of William Marshall, Esq. a son and heir.
6. In George Street, the lady of Henry Harvey, Esq. a son
7. The lady of Robert Warder, Esq. of Parkhill, a daughter.
10. The Duchess of Clarence, a Princess.
11. The lady of William Oliver, Esq. of Dinslabyre, a son.
18. At Carlton Place, Glasgow, the lady of James Lawrie, Esq. a son.
19. The lady of William Hay, Esq. of Drummelzier, a son.
20. Mrs Craigie of Dumbarnie, a daughter.
- At Brompton, the lady of A. Macdonell, Esq. of Lochgairry, a daughter
21. At Grulin, Mrs Macquarrie of Glenroira, a daughter.
23. At London, Countess Munster, the lady of the Hanoverian Minister, a son.

23. Lady Pringle of Stutchell, a daughter.

— The lady of James Watson, Esq. of Saughton, a son.

21. At Leicester, the lady of Major Dalzell of Glenae, a son.

*Lately*, At Chesterfield, the wives of three gentlemen, all skimmers of trade, and the only skimmers in the town, were within a few days of each other delivered of twins, all females.

## MARRIAGES.

JANUARY 1. At Calcutta, Major A. Lindsay, of the artillery, to Miss Flora Loudon Mackenzie.

1. At Ormisdale, Argyllshire, Major James Linnard, of the Hon. East India Company's artillery, Madras, to Miss Jessie Campbell, of Ormisdale.

— At Port Glasgow Claud Marshall, Esq. Sheriff-substitute, Greenock, to Miss Mary Beckford Johnstone.

6. At Papa Westra, Geo. Traill, Esq. of Holland, to Miss Mary Swan.

— At Yair, Robert Scott Moncrieff, Esq. younger of Newhalls, to Miss Pringle Whitebank.

7. At Edinbrough, Alexander Macleod, Esq. Commander of his Majesty's cutter Wellington, to Miss Chrystie, of Balchystie.

— Robert Mutter, Esq. Captain in the 7th Royal Fusiliers, to Miss O'Neill, of Lanch Hill, county of Dublin.

8. At Bath, Captain John Matland, to Miss Bateman, of Bedford, county of Kerry, Ireland

10. At Demerary, Captain Macduff Hatt Bagg, to Miss Eliza Thornton, Cummingsburg.

13. At Edinbrough, Walter Frederick Campbell of Shawfield, Esq. to Lady Elhmo Charteris, eldest daughter of the Right Hon. the Earl of Wemyss and March.

17. At Portobello, John Jackson, Esq. of York, to Miss Stewart, Putechry.

19. At Fulham, William Wilberforce, jun. Esq. eldest son of William Wilberforce, Esq. M. P. to Miss Mary Frances Owen.

— At Bamburgh, Thomas George Gregson, Esq. Warren-House, to Miss Bugg Chesterhill

20. At London, Sir James Stuart of Ahanbank, Bart. to Miss Woodcock.  
 25. At Plockton, Lochalsh, Donald Matheson, Esq. of Achmadarroch, to Miss M' Rae.

— At Bellevue, Captain G. A. Vetch, of the Hon. East India Company's service, to Miss Helen Hoggan, Waterside.

— At Edinburgh, the Hon. Henry Robert Westcra, M. P. to Anne Douglas Hamilton, daughter of the late Douglas, Duke of Hamilton and Brandon.

— At Hoprigg, John Murray, Esq. of Haregills, to Miss Little.

31. At Glasgow, Gavin Hamilton, Esq. of Springbank, to Miss Nancy Paterson.  
*Lately*, At Edinburgh, William Gordon, Esq. of Elvie, to Miss Christiana Murray.

— Viscount Kingsland, to Miss Willis.

FEBRUARY 1. Captain John Grant, 72d regiment, to Miss Jane Gordon, Cabraich.

2. At Glennan, Neil Campbell, Esq. to Miss Matilda M'Dougall, Ardnhive.

8. At London, the Earl of Uxbridge to Eleanor, second daughter of the late John Campbell, Esq. of Shawfield, having been previously married, on the 5th of August last, at Altyre, in Scotland, the seat of her brother-in-law, Sir W. G. Cumming, Bart.

— At Inverness, John M'Lennan, Esq. of Berbee, to Miss Bethune.

10. At Edinburgh, Major-General Henry Elliot, Colonel of the 5th Veteran Battalion, to Mrs Pringle of Rosebank.

17. At Hampstead, John Loch, Esq. to Rubina Marion Cullen.

— W. G. Macknight, Esq. of Green Castle, Jamaica, to Miss Eliza Manners.

— At Midmar Castle, G. R. Nuttall, M. D. of London, to Miss Marion Mansfield.

— At Kensington Church, Anthony Macdonald, Esq. of Lochgarry, to Miss Macdonald.

18. At Edinburgh, Captain Charles S. J. Hawtayne, R. N. to Miss Anne Hope.

21. Frederick W. Campbell, Esq. of Barbrack, to Miss Wunnington.

29. At Bonnington, Sir Charles Macdonald Lockhart, of Lee and Carnwath, Bart. to Emily Olivia, eldest surviving daughter of the deceased Lieutenant-Gen-

eral Sir Charles Lockhart Ross, of Balnagown, Bart.

\* 29. D. C. Moylan, Esq. to Mary, second daughter of the Earl of Kingston.

— The Hon. W. R. Penn Curzon, to Lady H. G. Brudenell, second daughter of the Earl of Cardigan.

MARCH 1. Lieutenant-Colonel Colquhoun Grant, Forbes, to Miss Margaret Brodie, of Brodie.

2. At Edinburgh, Major Balmain, of the Honourable East India Company's service, to Miss Jane Dewar.

5. At Straloch, Aberdeenshire, H. George Leslie, Esq. of Denlugas, to Mrs William Brebner.

7. At Scotsraig house, Captain Hugh Lyon Playfair, of the Honourable East India Company's service, to Miss Jane Dalgleish.

8. At Edinburgh, Captain M'Queen, of the Honourable East India Company's service, to Miss Mon, Hillfoot.

10. Captain Robert Anderson, 91st regiment, to Miss Wade.

11. At Beaconsfield Church, the Hon. Charles Augustus Fitzroy, of the Royal Horse Guards, (Blue,) to Lady Mary Lennox, daughter of the late and sister to the present Duke of Richmond.

13. At Lath, William Henry Roberts, Esq. Albany, Surrey, to Miss Anne Crawford.

14. At Taunton, Gilbert Grant, Esq. of the 4th Light Dragoons, to Miss Charlotte Yea.

21. At Campbellton, Angus Macalister, Esq. of Balnakill, to Miss Frances Byng Macalister.

23. Valentine, H. Mauris, Esq. of the 78th Highland regiment, to Miss Elizabeth Edwards.

27. William Dixon, jun. Esq. of Govanhill, to Miss Strang.

30. At Glasgow, Robert Brown, Esq. merchant, Glasgow, to Miss Ann Rainy.  
*Lately*, At Madras, C. M. Bushby, Esq. of the Honourable Company's Civil Service, to Miss M'Cally.

— At Paddington, William Lushing, Esq. of Paddington, to Miss West.

APRIL 1. At Braughen, Hertfordshire, the Right Honourable Lord Kirkcubright, to Miss Cantles.

6. The Rev. Edward Bankes, son of H. Bankes, Esq. M. P. to the Hon. Frances



Jane Scott, daughter to the Lord Chancellor.

6. At St Pancras, Yorkshire, Henry Francis Hough, Esq. of the Hon. East India Company's service, to Eliza Paton Bruce.

10. At Edinburgh, James Dallas, Esq. merchant, to Marion, third daughter of Robert Johnston, Esq. merchant, Edinburgh.

14. At Inverness, Alex. Ross Suter, Esq. Sheriff-clerk of Ross-shire, to Miss Forbes.

— Captain John Barclay of the 4th Bengal cavalry, to Miss Helen Forbes.

— At Dalshangie, John Simpson, Esq. to Miss Jane Duff Grant.

17. The Right Hon. Lord John Campbell, to Miss Glassell of Longniddrie.

— At Edinburgh, John Scott of Gala, Esq. to Madalene, youngest daughter of the late Sir Archibald Hope of Craighall, Bart.

18. William Wemyss, Esq. Deputy Commissary-General, to Mrs Davidson, widow of the late Major Davidson, 42d regiment.

— At Wardour Castle, Lieut.-Colonel G. Macdonnell, C.B. to the Hon. Laura Arundel.

— At London, Captain Garth, R. N. to Miss Maitland.

— At Gartincaber, John Burn, Esq. advocate, to Miss Murdoch.

— At Callendar, Captain Ranald Macdonald, of the 19th regiment of foot, to Miss Flora Macdonald.

20. At Langhorne, Caernarthenshire, Owen Evans Lewis, Esq. of Glanvryhyd, to Miss Eliza, daughter of the late John Neale, Willow-yards, Ayrshire.

— At Clatto, Lieutenant-Colonel Bethune of Blebo, to Miss Maria Low.

— At Edinbarynate, Patrick Small, younger of Dirnanean, Esq. to Miss Stewart.

24. Arthur Pollock, Esq. merchant, Grangemouth, to Miss Barbara Thomson.

— At Doonholm, Ayrshire, William Macdonald, Esq. of Ballishore, to Miss Jane Blair.

25. James M'Cook, Esq. W.S. to Miss Laing.

— At Aberlady, Charles Toshack, Esq. South Shields, to Miss Hamilton.

26. At Edinburgh, Alexander Ivanovitch, Sultan Katte Gherry Krimherry, to Anne Neilson, Hillbank.

— At Liverpool, Archibald Maxwell, Esq. to Miss Marion Boyd, March-hill.

— At St Helena, Count Balmain, Commissioner of his Majesty the Emperor of Russia, to Miss Charlotte Johnson, eldest daughter of Lady Lowe.

29. At Edinburgh, John Gibson Lochhart, Esq. advocate, to Sophia Charlotte, eldest daughter of Sir Walter Scott of Abbotsford, Bart.

— *Lately*, At Calder Bank, Andrew Grey, Esq. Glasgow, to Miss Drummond.

— The Hon. and Rev. W. Addington, second son of Lord Sidmouth, to Miss M. Young of Thorpe, Northamptonshire.

MAY 1. At Glasgow, Lieut. Thomas Moffat, R. N. to Miss Anna Bethune.

10. At Dumfries, James Allan Dalryell, Esq. of the Hon. East India Company's civil service, to Miss Archibald, M'Murdo.

15. At Edinburgh, Alexander Manners, Esq. W. S. to Miss Fullarton.

23. At St Croix, James Brown, Esq. merchant there, to Miss Krause.

25. At Leatherhead, William Brown, Esq. of Aberdeen, to Miss Burchell.

27. At London, Alexander Mackintosh, Esq. of Great Portland Street, to Miss Mackintosh.

30. At Philadelphia, Frederick Campbell Stewart, Esq. of Ascog, to Miss Maria Smith, Pennsylvania.

*Lately*, At Secunderabad, East Indies, Capt. J. Weatherall, Royal Scots, to Almeria Laura; and Captain Frederic Larkyn Doveton, Madras light cavalry, to Anelia Sophia, twin daughters of Charles T. Grant, Esq. Paymaster, Royal Scots.

JUNE 1. At Edinburgh, Archibald Johnston, Esq. younger of Pittowie, to Miss Clarkson.

— At Ellston House, Fifeshire, Captain John Whitehill Parsons, 10th Hussars, to Miss Mary Elizabeth Dewar.

— At St Petersburg, Sir William Chrichton, M.D. to Sophia, daughter of M. Le Chevalier de Suthoff, &c.

— At London, Admiral James Douglas, to Miss Blathwayt.

— At Aberdeen, John Fraser, Esq. of London, to Miss Still Milled.

2 At Arbroath, David Scott, jun. Esq. of Newton, to Miss Gleig.

3. At Edinburgh, Warren Hastings Sands, Esq. W. S. to Miss Harriet Lindsay, Bethune.

— At Bellfield, George Fulton, Esq. to Miss Stalker.

7. At Edinburgh, Charles Guthrie, Esq. to Miss Hunter.

— At London, George Finch, Esq. M.P. son of the Earl of Winchelsea, to Jane, daughter of Admiral and Lady Elizabeth Malliday.

8. At London, the Right Hon. Robert Peel, M.P. eldest son of Sir Robert Peel, Bart to Miss Julia Floyd, youngest daughter of the late General Sir John Floyd, Bart.

— At Camberwell Church, near London, George Warden, Esq. of Glasgow, to Miss Wanostrocht.

— At Lybster, in Caithness, David Laing, Esq. surgeon, to Miss Sinclair.

— At Glasgow, A. F. Gray, Esq. Comptroller of his Majesty's Customs, Irvine, to Miss Margaret Barton.

10. At Cousland, John Bonar, Esq. of the Grove, to Miss Jessie Dickson.

12. Michael Ramsay, Esq. of the Hon. East India Company's service, to Miss Helen Richardson.

— At Edinburgh, Walter Cook, Esq. writer to the signet, to Miss Mary Chrystie, of Balchrystie.

— At Edinburgh, James Anderson, Esq. younger of Stroquhan, to Miss Anderson.

— At Falkirk, James Thomson, Esq. of Reddoch, to Miss Agnes Boyd.

13. Josiah Howard, Esq. Stockport, Cheshire, to Miss Janet Buchanan Provand, Glasgow.

16. At London, Peter Rose, Esq. of Demerara, to Miss Huntly Gordon, Aberdeen.

17. At Bombay, Capt. MacLeod of the Hon. East Company's service, to Miss Gwinnett.

19. At Montrose, Captain George Bell, to Miss Margaret Addison Dougal.

20. At Kinfauns Castle, John Grant, Esq. of Kilgraston, to the Hon. Margaret Gray.

— At London, the Hon. and Rev. George Pelley, third son of Admiral Viscount Exmouth, to the Hon. Frances Ad-

dington, second daughter of Lord Viscount Sidmouth.

20. At Edinburgh, the Rev. W. M. S. Preston, A.M. of Stratforth Vicarage, Yorkshire, to Miss Moyes of Lambenny, Fifehire.

— At Berlin, Alexander Oswald, Esq. to Miss Pattison.

21. At Edinburgh, Charles Lennox Cumming, Esq. of Rbseisle, to Miss Mary Elizabeth Bruce of Kinnaird.

22. At Gartmore House, Thomas Durham Calderwood of Polton, Esq. to Miss Cunningham Graham.

23. At Corfu, Major-General Sir Frederick Adam, to the Signora Diamantina Pallatiano.

— At Edinburgh, Stair Hawthorn Stewart, Esq. of Physgill, to Miss Johnston, of Stratoun.

26. At Edinburgh, Dr Thomas Shortt, Physician to his Majesty's Forces, to Miss Young of Harburn.

— At Rockhall, James Charles Macrae, Esq. of Holmains, to Miss Grierson of Lag.

27. At Derby, Vice-Admiral Sir Richard Goodwin Keats, G.C.B. to Miss Hurt.

30. At London, the Right Hon. John Bowes, Earl of Strathmore, to Miss Mary Milner.

JULY 6. At Edinburgh, Captain James Stirling, R. N. of Glentyan, to Miss Mary Macdowal of Castle Semple.

7. At Edinburgh, Lieutenant F. Beaumont, R. N. to Miss Mary Dawson.

— At Madras, Captain Duncan Ogilvie, 2d regiment native infantry, to Miss Duncan, Ratho.

10. Lieutenant-Colonel the Hon. James Hamilton Stanhope, to Lady Frederica Louisa Murray.

11. At Edinburgh, John Dow, Esq. W. S. to Miss Margaret Russel, Glasgow.

— At Leith, James Thomson, Esq. Stirling, to Miss Grinly.

— At Edinburgh, John Livingstone, Esq. of Shortridgehead, to Miss Mary Neilson.

13. At Clegro, in Rutlandshire, Thomas Francis Kennedy, Esq. of Dunure, M. P. to Sophia, only daughter of the late Sir Samuel Romilly.

— At Bombay, Lieutenant-Colonel Hunter Blair, 87th regiment, to Miss Morris.

15. At *Resolis*, Captain A. Gallie, late of the 78th Highlanders, to Miss Anne Munro Arthur.

— At Edinburgh, Anthony Bigot, Esq. of London, to Miss Anne Macdougall.

17. At Ayr, Charles D. Gairdner, Esq. to Miss Cowan.

— John Farquhar, Esq. of Pitseandly, Forfarshire, to Miss Shillite, London.

18. At Glasgow, Kenneth Bruce Stewart, Esq. of Annat, to Miss Janet Morrison.

20. Captain Robert Melville Grindlay, of the Hon. East India Company's service, to Miss Comerell.

22. The Rev. Joseph Henry Taylor of Brighton, to Miss Jemima Maria Fraser.

27. Mr Spencer Chichester, to Lady Augusta Paget, daughter of the Marquis of Anglesea.

*Lately*, His Grace the Duke of Gordon, to Mrs Christie.

AUGUST 1. At Braichouse, James Stewart, Esq. of Crossmount, Captain, 82d regiment, to Miss Campbell, Boreland.

2. At Edinburgh, Francis Coghnam, Esq. M.D. of the island of Barbadoes, to Miss M'Crae.

8. At Fenton, John Hope, Esq. 89th regiment, to Miss Helen Bogue.

9. At London, Colonel Alex Woodford, of the Coldstream Regiment of Guards, to Miss Fraser.

— At London, William Bowles, Esq. Captain, Royal Navy, to the Honourable Frances Temple, eldest daughter of the late Viscount Palmerston.

12. At London, Alex. Watson Law, Esq. of the East India Company's service, to Miss Romanes, of Chapside.

— Capt. Edward Hollingworth, Delafosse, R. N. to Miss Young.

14. John Jeffrey, Esq. George Street, Edinburgh, to Miss Hunter, St Andrews.

19. At London, Campbell Marjoribanks, Esq. of Upper Wimpole Street, to Mrs Parker.

22. At Hartfield House, James Macdonald, Esq. of Balranald, to Miss Jaue Mackenzie of Hartfield.

23. At Dalvey, Charles Gordon, Esq. of Forres, to Miss Christina Macleod, of Drynoch.

— At La Columbiere, Jersey, by the Dean of that island, Major William Mackay, 68th light infantry, to Miss Mackay.

23. Lieutenant-Colonel Raikes, of the Coldstream Guards, to Miss Louisa Boulton.

28. Robert Elliott, Esq. of Redhugh and Tarras, to Miss Elliot.

29. At Edinburgh, William Thomas Carruthers, Esq. of Dormont, to Miss MacLachlan.

— At Edinburgh, Lieutenant W. C. Anderson, Royal Horse Artillery, to Miss Gibson of Harehope.

31. At Dover, Thomas Green, Esq. of Slynne and Cotterham, Lancashire, to Miss Russell.

*Lately*, At Cargfield, William Bell, Esq. of London, to Miss Elizabeth Kinnear, Edinburgh.

SEPTEMBER 3. At Hamilton, Andrew Barr, Esq. Surgeon, to Miss Eliza Gray.

4. At Edinburgh, James Austin, Esq. M. D. of the island of Barbadoes, to Miss Pierce, Jamaica.

— At London, Rear Admiral Sir Charles Ogle of Worthy, Bart. to Miss Burroughs.

5. At Leyton, Essex, Thomas Flower Ellis, jun. Esq. A. B. to Miss M'Taggart, of Ardwal.

7. At Edinburgh, James Douglas, Esq. of Cavers, to Miss Emma Carnegie.

11. At Glasgow, Theodore Walrond, Esq. to Miss Jane Hastings.

— At Irvine, Stewart Murray Fullerton, Esq. of Fullarton, to Isabella Buchanan Muir.

— John Burnside, Esq. Millburn House, Dalserf, to Miss Mary Macarthur, Glasgow.

— At Aberdeen, Alexander Bell, Esq. Berwick, to Miss Ross.

12. At Lochbuy House, John Gregorson, Esq. of Ardornish, to Miss MacLaine.

15. The Hon. Lionel Charles Dawson, to the Lady Elizabeth Emily Nugent, eldest daughter of the late, and sister of the present Earl of Westmeath.

18. At Perth, Glas Sandeman, Esq. younger of Springland, to Miss Stewart.

19. At Edinburgh, Captain W. Cunningham Dalzell, to Miss Maria Sompayo.

— At Edinburgh, James Brown, Esq. of London, to Miss Hamilton, of Polmont Bank.

20. At the Manse of Crail, Charles Nairns, Esq. writer to the signet, to Miss Forbes Bell.

21. At Kirkhill, near Aberdeen, Thos. Barclay, Esq. of London, to Miss Mary Adamson.

23. At Edinburgh, John Turner, Esq. of Turner Hall, to Miss Elizabeth Helen Urquhart.

— At Edglingham, William Hay, Esq. of Hopes, East Lothian, to Miss Frances Ann Ogile.

27. At Glasgow, Neil MacLachlan, Esq. Castleton, Argyleshire, to Miss Flora Ann MacLaine of Fife Place.

28. The Right Hon. Francis Earl of Huntingdon, to Eliza Mary, widow of the late Alex. Thistlewayte, Esq. of Hampshire.

29. Lord F. Bentinck, to Lady M. Lowther.

30. Lieut.-Col. Elphinstone, to Miss Clavering.

OCTOBER 2.—At Vogrie House, Warren Hastings Anderson, Esq. to Miss Dewar.

6. At Peterhead, John McLean, Esq. of Richmond, Grenada, to Miss Margaret McKenzie.

9. At Coldstream, Donald McDonald, Esq. of Drimintoron, to Miss Ann Cummings.

10. At Crookston House, James Greig, Esq. of Eccles, to Miss Agnes Borthwick.

16. At London, Captain Lewis Mackenzie, Royal Scots Greys, to Miss Bancroft.

17. At Hospitalfield, Capt. Fyffe, R. N. to Miss Henrietta Elizabeth Hunter, Blackness.

— At Henderside Park, Capt. George Edward Watts, R. N. to Miss Jane Waldie.

24. In George Square, Edinburgh, William Downe Gillon, Esq. younger of Wallhouse, to Miss Scott of Sinton.

— At Leith, Benjamin Pilliner, Esq. to Mrs. Gwynne, widow of the late Rev. Frederick Gwynne.

25. At Wakefield, William Campbell, Esq. W. S. to Miss Jane Cleghorn.

30. At Gordon Hall, Aberdeenshire, Gideon Cranston, Esq. of Xercs de la Frontera, in Spain, to Miss Gordon.

— At Edinburgh, Alexander Spiers Crawford, Esq. 79th regiment, to Miss Mitchell.

31. At Monrose, Alexander Lindsay, Esq. Captain of the Kelly Castle East In-

dian, to Miss Cruickshank, of Strickathro.

Lately, At Paris, Earl Poulett, to Charlotte, daughter of the Hon. Mrs Portman, and niece of Lord Dormer.

— At Westerhall, Major Weyland, 16th lancers, to Lady Johnstone, widow of the late Sir John Lowther Johnstone, Bart.

NOVEMBER 1.—At Madeira, John Telling, Esq. to the illustrious Lady Donna Juliana Leonora da Cunha Tella.

— At Clifton, Major Macinnes, of the Bengal Establishment, to Miss Mary Elizabeth Milward.

— At Inverary, John Stewart, Esq. of Achadarhnaig, to Miss Campbell, of Craignure.

3. Colonel Douglas Mercer, of the 3d guards, to Miss Rowley.

4. Jasper Putzow Hagermann, Aid-de-camp to the King of Denmark, to Harriet, daughter of the late Hon. George Vere Hobart, and sister to the Earl of Buckinghamshire.

6. Captain Charles George Stanhope, to Miss Galbraith, of Urney Park, county of Tyrone, Ireland.

7. At Holmhill, Dumfriesshire, Adam Mosman, Esq. of Liverpool, to Miss Douglas.

— At Dumfries, William Drysdale, Esq. W. S. to Mrs Copland.

9. At London, D. J. Ballingall, Esq. to Miss Ward, Sandhurst, Kent.

— At Park House, Banffshire, Patrick Stewart, Esq. of Auchlunkart, to Miss Gordon of Park.

— H. Th Liddell, Esq. to Miss Seymour.

14. At Edinburgh, Thomas Hamilton, Esq. brother of Sir William Hamilton, Bart. to Miss Ann Montgomery Campbell.

15. At Beerferris, Devon, Charles Wilkinson, Esq. of Rose-in-Vale, near Truro, to Miss Ross, of Wigtown.

17. At Edinburgh, Peter Ramsay, Esq. banker, to the Hon. Susan Mary Hamilton, second daughter of the late Right Hon. William, Lord Belhaven and Stenton.

20. At Madras, Major George Cadell, 12th native infantry, to Margaret, second daughter of William Molle, Esq. of Mains.

21. At Bonnington, Lanarkshire, Sir Guy Campbell, Bart. to Miss Fitzgerald.  
— At Manse of Cairney, Aberdeenshire, John Thorburn, Esq. late of Messina, to Miss Finlater.

— At Frisky Hall, Captain Alexander Smith, to Miss C. B. M. Dickson.

22. At Greenock, James Turner, Esq. to Miss Helena Stewart.

— At Edinburgh, John Ramsay, Esq. writer, to Miss Ogilvy.

24. At London, Major Terry, of the 23th regiment, to Miss Eliza Gordon.

26. At London, John Crawford, Esq. of the Hon. East India Company's service, on the Bengal establishment, to Miss Perry, of Tavistock Square.

27. At Cheltenham, Lieutenant-Colonel Greentree, of the Hon. East India Company's service, to Miss Oyer.

28. At Rhue, Lieutenant-Colonel D. M'Donald, Hon. East India Company's service, to Miss M'Donald.

— The Rev. Alexander Waugh, A. M. of the Scots Church, Miles' Lane, London, to Miss Louisa Gordon.

29. At Felbridge, Norfolk, the Rev. Colin Campbell, to the Hon. Beatrice Byng, daughter of the late Viscount Torrington.

30. At Glasgow, Kenneth M'Kenzie, Esq. Lochalsh, to Miss Mary M'Lean.

DECEMBER 4.—At London, the Earl of Errol, to Miss Eliza Fitzclarence, third daughter of his Royal Highness the Duke of Clarence.

— At Chapelhill, parish of Calaverock, Captain Alexander Borthwick, R. N. to Miss Margaret Rawline.

5. Rich. Gresley Esq. of Stowe House, near Lichfield, to Mrs Drummond, widow of Robert Drummond, Esq. of Megginch Castle.

7. At St Pancras Church, London, William Hendrickson, Esq. of the island of Nevis, to Miss Eleanor Fyfe, of Jamaica.

10. At Wolverhampton, the Hon. Captain Joceline Percy, R. N. to Miss Sophia Elizabeth Walhouse.

11. At the Manse of Dorhock, John Carlyle, Esq. of Dornock, to Miss Sloan.

12. At Wester Frew, Henry Richardson, Esq. of Wester Culmore, Stirlingshire, to Miss Helen Forrester.

12. At London, the Rev. A. A. Edge, Rector of Wetheringham, to Mrs Graham.  
— Lieutenant-Colonel Robert Torrens, to Miss Esther S. Serle.

15. At Edinburgh, George Lloyd, Esq. of Clifton, Yorkshire, to Miss Marion Christina Maclean, of Coll.

20. At Ayr, Lieutenant-Colonel James Shaw, late of the 43d regiment, to Miss Mary Primrose.

22. At Edinburgh, Lieutenant Andrew Smith, R. N. to Miss Simon.

— At Greenhall, Mr Arnot, Elphinstone, to Miss Handyside.

25. At Oxbang House, George Stirling, Esq. captain in the army, to Miss Gray.

26. At Madras, Alex. Fairlie Bruce, Esq. of the civil service of the Hon. East India Company, to Miss Cathcart.

27. At London, Wm. Fullarton Lindsay Carnegie, Esq. of Spynie and Boysack, to the Right Hon. Lady Jane Christian Carnegie, fourth daughter of the Earl of Northesk.

30. At Mellendean, Charles Abraham Leslie, Esq. to Miss Anna Walker.

Lately, At Paris, General Vatiez, in the service of his Most Christian Majesty, to Miss Boyd.

— At Edinburgh, William Lambie, Esq. of the Island of Jamaica, to Miss Elizabeth Dundas Crichton.

## DEATHS.

JANUARY 1.—At Deinerara, Milliken Craig, Esq. of Ballewan, late commander in the Hon. East India Company's service.

2. At Brechin, the Rev. Mr Straton, minister of the English Episcopal chapel.

— At Pongee, Jedburgh, Mr James Davidson, late of Hindlee. Few passed this good man's door without a kind invitation and friendly welcome to his sheltering cot, and friendly board. This benevolent individual is supposed to have been in the eye of the author of *Guy Mannering*, when he drew the character of *Dandy Drumont*.

3. At Patrington, in his 91st year, William Dolman, Taylor, Esq.

— At Langholm, Mr Telford, aged 90.

3. At Sorn Castle, Wm. Sommervell, Esq. of Hamilton Farm.

4. At Aberdeen, Thomas Bannerman, Esq. merchant.

5. At Edinburgh, in her 80th year, Mrs Helen Gray, late of Newhall.

— At Dundee, George Wilkie, Esq. of Auchlishie, aged 66.

6. At Edinburgh, Mrs Carlyle Bell.

— At Beverley, in her 78th year, Mrs. Sinclair, widow of the Rev. George Sinclair, A. M. Rector of Wilford, near Nottingham.

7. At Muirton, Lady Nairne, widow of the late Sir William Nairne of Dunsinnan, Bart. aged 75.

— At West End, in the parish of Fewston, at the advanced age of 110 years, John Demaine.

— At Fort William, Calcutta, Thomas Dingwall Fordyce, lieutenant and acting adjutant and quartermaster of the Bengal artillery.

8. Mrs Gordon Pringle of Crawhill.

— At Stirling, Mrs Helen Littlejohn, widow of Provost John Gilchrist, aged 70.

— At Tinian, Patrick Begbie, Esq. late of Castlehill.

— At Trinidad, Robert Hill, Esq. late merchant in Glasgow.

9. In Charlestown, North America, Mrs Starr Barret, after fully completing one hundred and twenty years of an active and various life. This venerable lady was born in the year 1699 of the Christian era, about a year before the death of Charles II. King of Spain. Peter I. was then Czar of Muscovy—a title now enlarged to that of Emperor of all the Russias; Frederick Augustus was King of Poland; Charles XII. was King of Sweden; Frederick IV. (son to Christian V.) was King of Denmark; William III. King of England; Peter IV. King of Portugal; and Louis XV. King of France.

— At Lanfyllin, Montgomeryshire, Mr Evan Price, watchmaker, at the advanced age of one hundred and four years and ten months.

— At Edinburgh, Miss Little Gilmour, daughter of the deceased William Charles Little Gilmour, Esq. of Craignillar.

— At Melville Place, Stirling, Dugald Forbes, Esq.

9. At Montrose, of the typhus Fever, Mr George Henderson, surgeon, of the Royal Navy, in the 45th year of his age.

— Wm. T. Taylor, Esq. of Turnhamgreen Terrace, deputy inspector of hospitals in the British army.

— At Kinsale, Lieut.-Colonel Henry Reddish Furzer, Royal Marines.

— Capt. George Constantine Urmston, Royal Navy.

10. At Little Syon, Lady Elizabeth Percy.

— At Stirling, John McGibbon, Esq. of Southlodge, who for 56 years discharged the duties of town-clerk of that burgh, and for 34 years those of sheriff-substitute of the county.

11. At Madras, Dr Alexander Stewart, secretary to the medical board, &c. at that place.

— At Port Louis, Mauritius, William George Waugh, Esq.

— At Exeter, in her 77th year, Mary, Dowager Countess of Rothes.

— At Lasswade, Crichton Strachan, Esq. late shipbuilder, Leith.

— The Rev. William Gordon, minister of Clatt, in the 69th year of his age.

— At Calmonell, the Rev. John Blair, minister of the Associate Congregation, in the 67th year of his age, and 40th of his ministry.

— At Greenhill, near Sheffield, aged 88, Mr John Fox, who has left children, grandchildren, and great-grandchildren, to the amount of 100!

12. In Gloucester, at an advanced age, the Hon. Mrs Harley, relict of Bishop Harley, and mother of the Right Hon. the Earl of Oxford.

— At Dumfries, aged 104, Mrs Janet McNaught, relict of the last of the male line of the Laids of Kilwhanity; mother-in-law to Mr White, mathematician; and the nearest relation, in this country, to Sir Thomas Hyalop, Bart. commander-in-chief at Madras.

— At Quebec, William Scott, Esq. younger of Wooll.

— Aged 86, Mr Thomas Ayre, many years keeper of the Castle in Newcastle. He was present at the siege of Quebec, and was one of the men at the gun from which the celebrated rebel General Montgomery received the death wound. He

afterwards commanded a vessel from Newcastle in the Hamburg trade for above twenty years.

13. In the 82d year of his age, Mr John Thomson, parish schoolmaster, Muthil.

— At Paisley, Mr Andrew Wright, manufacturer, in the 65th year of his age.

— At Dunkeld, Mrs Maxwell, aged 81.

— At Moness House, James Robertson, Esq. late of Killichangie, aged 96. He outlived all his own family, (the male part of which honourably bled and died in the service of their country,) and also all the companions of his youth. We have frequently observed the death of the last of Prince Charles Edward's followers announced; and now venture to assert, without fear of contradiction, that this is the last of the officers who fought under him, at the battle of Culloden, in 1746. He commanded a company of the Athole Highlanders upon that memorable day; and being perfectly collected in his senses to the last moments, his enthusiastic accounts of the deeds of other years were truly interesting.—*Perth Courier*.

— The Electress of Hesse, after a short illness.

14. At Grant's Braes, near Haddington, Agnes Brown, the mother of Burns, the poet, in the 88th year of her age.

— At Greenock, in the 86th year of her age, Mrs Ann Fullarton, relict of the Rev. John Monteath, minister of the united parishes of Houston and Killellan.

— At St Andrews, the Rev. Dr Henry David Hill, professor of Greek in that University, much and justly regretted.

— At Doeraw, in the parish of Beith, Lieut. Wm. Leavach, of the 21st Royal North British Fusiliers.

15. At Jedburgh, at an advanced age, Mrs Elliot, sen. of Harwood.

— At Canton, Captain Robert Stair Dalrymple, son of the late Sir Hew Hamilton Dalrymple, of North Berwick and Barchany, Bart.

— At Lockerby, William Martin, Esq. of Blackford, writer there.

— In the 80th year of his age, John Little, Esq. younger of Dunn, Newabbey.

— The Grand Duchess of Baden, aged 73.

16. At Edinburgh, in her 82d year,

Mrs Jean Wilson, relict of the late Mr George Wilson, merchant, Dundee.

16. At London, Mrs Brenton, widow of the late Admiral Brenton.

— At Lingen, in Westphalia, James Macrae, Esq. late of Holmains.

— At Nether House, Leith, James Macrae, Esq. late of the 7th West India regiment.

17. Mr Philip T. Meyer, the eminent composer and professor of the Harp, in the 88th year of his age.

— At Glasgow, Archibald Campbell, Esq. merchant in Glasgow, late of the island of Jamaica.

— At London, Lieutenant-General James Campbell, aged 76.

— At Gosport, Robert Grierson, Esq. Royal Navy.

— At Bath, Mrs Helen Wauchope, relict of George Wauchope, Esq. of Falmouth, county of Devon.

18. At Bolton, Lancashire, in the 28th year of his age, William Black, Esq. physician there.

— Mrs Linley, aged about 92, widow of the late Mr Linley, formerly of Drury-lane theatre, who was the father of the first Mrs Sheridan.

— At Edinburgh, aged 82, Mr William M. Cleish, printer.

— At Edinburgh, William Scott, attorney at law, &c. Calcutta, aged 32.

— At Belwood, John Young, Esq. late of London.

— At Minto, Jane, youngest daughter of the Hon. Captain Elliot, Royal Navy.

19. At Edinburgh, Miss Elizabeth Janet Russell, youngest daughter of the late Colonel Russell of Ashiesteel.

20. In his 79th year, John Mackenzie of Torridon, in the county of Ross, Esq.

— At an advanced age, Mrs Thomson, widow of the late George Thomson of Mosshouses.

21. At the manse of Abernethy, the Rev. John Grant, minister of that parish, in the 81st year of his age.

— At Moyhall, Sir Eneas Mackintosh, of Mackintosh, Bart. captain of Clan Chattan, in the 69th year of his age.

— At Kirkcudbright, in the 80th year of his age, and 20th of his ministry, the Rev. Dr Robert Muter, one of the Deans of the chapel royal, and chaplain in ordinary to his late Majesty

21. At Arbroath, John Spink, Esq. aged 84.

22. At Glasgow, John Black, Esq. of Claremont.

— At Haddington, Mrs Isabella Knox, late of Mayshiel.

— Suddenly, in the prime of life, the Rev. Henry Garnock, first minister of Canongate, Edinburgh.

— At the manse of Breghorn, the Rev. Mr Haldane, minister.

23. At his seat at Charleton-house, in the county of Wilts, John Howard, Earl of Suffolk and Berkshire, Viscount Andover, and Baron Howard of Charleton, general in the army, colonel of the 14th regiment of foot, governor of Londonderry and Culmore forts, Ireland. His lordship was in the 81st year of his age.

— At Sidmouth, his Royal Highness the Duke of Kent, in the 53d year of his age.

— In Jamaica, in the prime of life, James Wallace, Esq. of Mayfield.

— Prince Charles of Schonlicht Carolath, in the 36th year of his age.

— At Househill, Mrs Dunlop, wife of Colonel Dunlop of Househill.

— At Bathgate, the Rev. Patrick Connel, minister of the Associate Congregation there, in the 55th year of his age, and 33d of his ministry.

24. On board the Castle Huntly East Indiaman, for Bengal, James, eldest son of James Hay, writer to the signet.

— At Naples, Cardinal Caracciolo, Bishop of Palestine.

25. At Seone, Mrs Brodie, widow of Rev. John Brodie, late minister of Kinloch.

— At Richmond, Miss Maria Dundas.

— Of palsy, at Atcherrypankum, on the route to Trichinopoly, Lieutenant G. C. Johnstone, Royal Scots.

26. At Royston, Herts, in his 76th year, Mr Henry Andrews, the editor of "Moore's Almanack."

— Viscountess Gormanston, of Gormanston Castle, county of Meath.

— At Dumfries, Gabriel Richardson, Esq. late provost of that burgh.

— At Charlotte Street, Glasgow, Agnes Buchanan, relict of James Fisher, late farmer at Craigend of Campsie, aged 83. Her husband died 25th December, 1806, aged 75. They were married 32 years.

and it is singular, that during that period no death till the husband's occurred in their house; and there were 13 persons on an average lived in the family with them. They had 87 descendants, of whom 50 are still alive.

26. At Springfield, near Forres, Niel Currie, Esq. of Springfield, late surgeon in the 78th regiment.

27. At Dumfries, in the 80th year of her age, Mrs Janet Macintyre.

— At Mundie, parish of Aberdalgie, the Rev. David Moliss, M. D.

— At Tranent, the Rev. Robert Shairreff, in the 66th year of his age, and 42d of his ministry.

— At his seat, Trelowarren, Cornwall, Sir Vyall Vyvian, Bart.

— At Oporto, Mr C. De Monti, jun. of Glasgow.

28. At Edinburgh, after a few days illness, Mrs Hathorn of Castlewigg.

— At the manse of Cleish, Miss Elizabeth Darling.

— At Ord, near Berwick, Mr George Laing, farmer.

— At his house, Fyfe Place, Donald M'Laine, Esq. merchant in Edinburgh.

29. At Sunning Hill, Berks, Miss Grace Campbell, daughter of the late Robert Campbell of Monzie, Esq.

— At his house, George's Square, Edinburgh, David Blair, Esq. merchant.

30. At London, John Latouche, Esq. one of the representatives in Parliament for the county of Leitrim.

— At Ord, Alex. M'Kenzie, Esq. of Ord, aged 86.

— In the Island of Grenada, Mr Chap. Brown, youngest son of Mr John Osburn Brown, W. S.

31. At Camberwell, on the day he completed his 98th year, the Hon. Colonel Peter Frye.

— At Edinburgh, Lieutenant-General William Robertson of Jude.

— At Paris, Robert Alexander, second son of the late Lieutenant-General Sir James Leigh, G. C. B.

Lately.—In the Friar's Vennel, Dumfries, aged 75, Bridget Constable, wife of Deacon Johnston, blacksmith, who is left, at the age of 87, to lament the loss of a partner, to whom he had been united in marriage and cordial affection for no less than fifty-four years and a half.



*Lately.* At Ringwood, Mr Christopher Cobb, aged one hundred and two years, who lived in the reign of three kings; he was many years a merchant in the Newfoundland trade.

— At Chacewater, Elizabeth, the daughter of Joseph Ralph. Though she had reached her 21st year, her height was only two feet ten inches; she was not at all deformed, but rather well proportioned. During her life she was never known to laugh, or cry, or utter any sound whatever, though it was evident she both saw and heard; her weight never exceeded twenty pounds.

— At High Wycomb, Bucks, aged 89. Mr Matthew Bates, one of the oldest and most celebrated horticulturists in the kingdom.

— At her house in Castle Street, Mrs Mure, widow of the late William Mure, Esq. of Caldwell, one of the Barons of his Majesty's Exchequer in Scotland.

— At Crail, in the prime of life, William Macdonald Fowler, Esq. writer in Edinburgh.

— At her seat, Carlton House, near Malmesbury, aged 82, the Countess of Suffolk.

— At Horsley, Gloucestershire, John Sheppard, Esq.

— At Lanark, in the 79th year of his age, Mr James Hamilton, late farmer at Jerriswood.

— At his house, the Stirling Castle, in the parish of Trelawney, island of Jamaica, aged 62, William Sawyers, Esq.

— At Godalming, Nicholas Loftus, Esq. formerly lieutenant-colonel of the 4th regiment of dragoon guards, in the 80th year of his age.

— At London, a few weeks after his return from India, Robert Stewart, Esq. of the Hon. East India Company's medical service, third son of the late Robert Stewart, Esq. of Ballachin.

FEBRUARY 1.—At the Villa Pen, near Spanish Town, Jamaica, Francis Graham, Esq. formerly a representative in Assembly for the parish of St Thomas.

— At her house of Hermitage, Miss Stair Primerose, youngest daughter of the late Sir Archibald Primerose, Bart. of Dunipace.

— At Gayfield Square, Edinburgh, Mr Robert Horsburgh.

1. At Perth, widow Mr Lean, whose maiden name was Elspet M'Gregor, aged 102 years and three months. Her husband was many years a tenant on the estate of Breadalbane, and she herself was a servant at an inn at Killin, in the year 1745, when Prince Charles was there, with whom she shook hands, and often boasted of the honour.

2. At Berwick, James Hogarth, Esq. aged 76, deeply regretted.

— At his house, 18 York Place, London, Joseph Madocks, Esq. of an inflammation in his chest. Mr Madocks was the first amateur actor of his day. His performance of Falstaff was truly excellent. He was long the convivial companion of Frank North, afterwards Earl of Guilford.

— At Ardsreck, in the Isle of Sky, Mrs Macleod, Dowager of Talisker, at the advanced age of 91.

3. At Irvine, the Rev. James Henderson, minister of Irvine.

— At Edinburgh, Gideon Duncan, Esq. assistant commissary-general.

4. At Manley, Devonshire, Mrs Manley, of Manley.

— At St Andrews, the Rev. William Richard, aged 79.

— At Blithfield, in Staffordshire, Louisa Lady Bagot, relict of the late, and mother of the present Lord Bagot.

5. At Dublin, suddenly, in an apoplectic fit, Peter Digges la Fouché, Esq.

7. At the Garland, near Kilbagie, Mr John M'Leay, in the 74th year of his age.

— At Edinburgh, Alexander Scrymgeour, eldest son of Henry Scrymgeour Wedderburn of Wedderburn and Birkhill, Esq.

8. At London, the Right Hon. Sir Vicary Gibbs, late Lord Chief-Justice of the Court of Common Pleas.

10. At Paxton House, George Horne, Esq. of Wedderburn.

— At Berlin, the Princess Ann Elizabeth Louisa, relict of his Royal Highness Prince Ferdinand of Prussia.

— At his house in Newman Street, London, Benjamin West, Esq. president of the Royal Academy, in the 62d year of his age.

— At Torwoodlee, Mrs Ringle, of Torwoodlee.

10. At Glasgow, Mary, eldest daughter of the late Duncan Macdonnell, Esq. and district.

11. At her house in Charlotte Square, Edinburgh, Mrs Balfour, widow of John Balfour, Esq. of Balbirny.

At Peterhead, Mrs Jane Arnot, spouse of Alexander Gordon, Esq. of Invernettie.

At Salutation, near Darlington, in his 105th year, Mr Benjamin Garnet.

At Bath, the Rev. Thomas Haweis, LL.D. M. D. rector of All Saints, Aldwinkle, Notts, chaplain and principal trustee to the late Countess of Huntingdon, founder of the London Missionary Society, and father of the missions to the South Sea Islands.

At St Andrews, David Todd, sen. Esq.

At Rothesay, in his 83d year, John Blain, Esq. late collector of the customs there, sheriff-substitute of the county of Bute, and commissary of the Isles, &c.

At Skibo, Sutherlandshire, in the 94th year of her age, Mrs Jane Nicholson, relict of the late John Macdonald, Esq. Breakish.

12. At Perth, Patrick Stewart, senior, Esq. aged 85.

At Burntisland, Mrs John Young, senior.

At Portobello, Mrs Susanna Harries, wife of Captain Pierie, R. N.

At Easter Moffat, Miss Jane Wadell, of Easter Moffat.

13. At Paisley, Mrs Fanny Orr, wife of Alexander Campbell, Esq. sheriff-substitute, Paisley.

At Davidstone, Miss Calder, of Davidstone.

At Maxwellton, Miss Ann Maxwell, of Carruthan.

At sea, on the coast of Africa, Mr George Wilson, assistant-surgeon of his Majesty's gun-brig the Snapper.

At Annat Lodge, near Perth, Lieut-General Robert Stuart of Raig.

At Edinburgh, Jane, the youngest daughter of Colin Mackenzie, Esq. of Portmoe, P. C. &c.

14. At Perth, Charles Gordon, Esq. late collector of excise, Kelso.

In Sloane Street, London, General Walker, Royal Artillery.

At Knightsbridge, aged 84, Dr Mi-

chael Underwood, many years Physician to the British Lying-in-Hospital, and the accoucheur who was engaged at the birth of her late Royal Highness, the Princess Charlotte.

15. At Kirkcudbright, Sarah, wife of William Mure, Esq. of Twyholm Main, aged 89.

At St Petersburg, Mr Brown, a King's messenger. He had been sent out with dispatches to the Russian Government, announcing the death of our late King, and the accession of his present Majesty.

At Rosehill, Totteridge, Hertfordshire, in his 98th year, General the Hon. Sir Alexander Mackand, of Clifton, Bart.

16. At Hillhouse, very suddenly, William M'Kerrel, Esq. of Hillhouse.

At Dublin, Leonard M'Nally, Esq. of the Irish bar.

17. At London, the Right Hon. Lady Mary Henrietta Erskine, sister to the Earl of Rosslyn.

At Brighton, Major-General John Lindsay.

At 103, Prince's Street, Edinburgh, Edmond Livingston, Esq. aged 89 years.

At Edinburgh, Sarah Nobcott, spouse of William Maule, Esq.

At London, Catherine, widow of John Hunter, Esq. Brunswick Square.

At Paisley, Mrs M'Kerrel, wife of Fulton M'Kerrel, Esq.

At Orchard House, Paisley, Henry Bowie, Esq. of Mountblow, aged 75.

18. At Kilmarnock, Mr James Meuros, bookseller.

At Star Bank, Thomas Simpson, Esq. of Star, aged 79.

19. At Banff, Mr James Imlach, merchant.

In Cleveland Row, St James's, London, Major-General Hamilton, colonel of the Royal Wagon Train.

At Edinburgh, George Kincaid, Esq. second son of the late John Kincaid, Esq. of Kincaid.

Sir David Dundas, G. C. B. governor of the Royal Military College, Chelsea.

At the house of her father-in-law, Sir Wathen Walker, Bart. the Honourable Marianne Curzon, only daughter of the Right Hon. Baroness Howe.

20. At Stirling, Mr George Taylor, merchant.

19. At her house, Hill Street, Mrs Joanna Hamilton, relict of the late Edward M'Cormick, Esq. advocate, Sheriff-depute of Ayrshire, and Solicitor of Tends for Scotland.

— At Largo, Archibald Goodsir, Esq. M.D. Member of the Royal College of Surgeons of London, and late surgeon in the Fifeshire regiment of militia.

— At his residence in Park Lane, London, of an inflammation in the lungs, Edward Cooke, Esq. late Under Secretary of State in his Majesty's Office for Foreign Affairs.

— At Edinburgh, at the early age of 18, Francis Alexander Gatherer, third son of John Gatherer, Esq. surveyor of taxes for Banffshire.

— At Newton, Mrs Elizabeth Buchanan, relict of John Craig, Esq. Bellewain.

20. At his house, in Manchester Street, Manchester-square, London, Gilbert Hall, Esq.

— In St Giles's, Norwich, in his 80th year, Mr Joseph Leonard Mopsigny, by birth a Frenchman, and many years in the service of the unfortunate Louis XVI. holding the post of private secretary till the death of that Monarch.

— At Edinburgh, at the house of her nephew, the Rev. Dr Meiklejohn, Mrs Margaret Cree, eldest surviving daughter of the late Hugh Cree, Esq. of Saline Shaw.

21. At Ettrickbank, near Selkirk, William Scott, Esq. of Ettrickbank, late of the island of Jamaica.

— At Ardoch, Captain Charles Moray, youngest son of the late Colonel Charles Moray, Stirling, of Abercainry.

— At his house, in Lower Brook Street, London, in the 92d year of his age, Viscount Curzon.

— At Ayr, Mr Henry Cowan, junior, writer and banker.

— The Rev. Dr George Lawson, of the Associate congregation of Selkirk, in the 71st year of his age, and 49th of his ministry.

22. At Melville House, the Right Hon. Alexander Earl of Leven and Melville, aged 70 years.

— At Leslie, Thomas Inglis, Esq. of local, aged 69.

22. At Tracton, Leven, Mrs Catharine M'Carthy, aged 103 years.

23. At Savil, in the island of Sanday, Orkney, Mrs Helen Douglas.

— At Thernurst Cottage, Berks, Colonel Sheldrake, of the royal artillery.

24. At Ayr, Mr Gilbert M'Clurg, merchant, aged 82.

— At the manse of Turriff, Mrs Stuart, wife of the Rev. William Stuart.

28. At No. 80, Abbeyhill, Edinburgh, Miss Janet Macdonald.

— At Aberdeen, Mrs Niven of Thornton.

29. At Selkirk, Mrs Mann, spouse of E. Mann, Esq.

Lately, At Malta, of an inflammation in the bowels, Vice-Admiral Sir T. Freemantle, G.C.B. Commander of the fleet in the Mediterranean.

— At the Isle of France, Alexander William Young, Esq. Commissary-General of that island.

— At Bath, suddenly, Vice-Admiral Fayerman, aged 65.

— At Bloomsbury, Mrs Boswell, relict of Bruce Boswell, Esq. of Iver Lodge, Bucks.

— At Hanover, in the 71st year of his age, Lieut.-Colonel Sir James Bontein, one of his Majesty's Gentlemen of the Privy Chamber.

MARCH 1. Captain James Aberdour, R. N.

— At Dumfries, James Graham, Esq. of Furthhead, late writer in Dumfries.

— Mrs Katharine Burd, wife of Robert Dick, writer, Edinburgh.

2. At Musselburgh, Mrs Guikl, aged 73.

3. At Edinburgh, Mrs Greig of Lethangie.

— At Berwick on Tweed, in his 81st year, John Constable, Esq. late of Morrhale.

— At the manse of Tain, Mrs Margaret Brodie, widow of the late Reverend Charles Calder, minister of Urquhart.

4. At Gibraltar, after a long illness, Major Charles Taya, of the Royal Artillery.

— Mrs Sanderson, aged 89, relict of Mr Thomas Sanderson, merchant.

— At Edinburgh, Miss Grace Brown, eldest daughter of the late Captain Andrew Brown, R. N.

5. At Stranraer, Miss Agnes Campbell of Aires.

— At Rossmarkie, Charles Matheson, Esq.

6. At Manchester, James Knox, Esq. late of Glasgow.

— At Burnside Cottage, Campsie, Robert Bryson, Esq.

— At Irvine, David Dale, Esq.

7. At Sharrow Head, near Sheffield, Major-General Patrick Mackenzie, Colonel of the 2d Royal Veteran Battalion.

8. At Bannals, Hugh Ronald, Esq. of Bannals.

9. At Queensferry, Mrs Mary Mackenzie, wife of the Rev. John Henderson.

— At Beverley, of typhus fever, Lieutenant-General Cheney.

— At Torrcaldale, Major-General Keith Macalister, of Loup.

10. Suddenly, while walking in his garden, near Tunger, in the 73d year of his age, James Simpson, Esq. American Consul to the Emperor of Morocco.

13. At Allahabad, East Indies, Grace, daughter of the late James Robertson, Esq. Superintending Surgeon Honourable Company's Service, Dinapore district, Bengal.

14. At the residency of Nepaul, Robert Stuart, Esq. youngest son of the late Sir John Stuart of Allanhank, Bart.

— At Stranraer, James McNair, Esq. late Surgeon of the Royal Navy.

45. At St Petersburg, Louis Duncan Cassanajor, Esq. Secretary to the British Embassy at the Court of Russia.

18. At Arbroath, Dr John Peter.

19. At Carlung, Ayrshire, Archibald Alexander, Esq. of Boydston, in the 83th year of his age.

20. At Annapolis Royal, Nova Scotia, Assistant Surgeon C. A. Simpson, of the 60th light infantry.

22. Mr John Forsyth, manufacturer in Glasgow.

23. At Perth, Captain Colin Campbell, of the West Perthshire local militia.

— At Daventry, Northamptonshire, Lieutenant-Colonel David Rattray, late of the 63d regiment of foot.

— At Dunkeld, Mr John Proudfoot, aged 79 years.

24. David, Paterson, Esq. banker and insurance broker in Edinburgh.

— At Kinfauns Castle, Mrs Johnston,

widow of the late Major Johnston, 61st regiment of foot, and mother of the Right Honourable Lady Gray, aged 89 years.

24. At Perth, Mr Thomas Wishart, wood-merchant.

— At Mr McKean's, Union Place, Glasgow, Miss Eliza Cook, of Newton Hall, Northumberland.

— J. Peel, Esq. of Fazeley, brother to Sir R. Peel, Bart.

25. At Cadogan Terrace, near London, in her 86th year, Mrs Moore, widow of Dr Moore.

— At his house in Forth Street, in his 58th year, John Thomson, Esq. merchant, Edinburgh.

— At Innergellie, James Lumsdaine, Esq. of Innergellie.

— At No. 1, Prince's Street, Edinburgh, Miss Beatrix Thomson, aged 22.

— At Glasgow, Mrs Coats of Baillies-ton.

— At Edinburgh, Miss Mary Campbell, third daughter of Lord Succoth.

26. At Montrose, in the 60th year of his age, Captain David Valentine, of his Majesty's navy.

— James Watt, Esq. many years in the service of the Honourable East India Company.

— At Kingston, Jamaica, the Rev. John Brown, minister of the Presbyterian Establishment of that city.

— At Edinburgh, James Dickson, Esq. Depute Clerk of the High Court of Admiralty.

27. At Torr House, in the prime of life, David Irving, Esq. surgeon.

26. At Grange, Miss Ann Lauder, eldest daughter of the deceased Sir Andrew Lauder of Fountainhall, Bart.

— At Knock, Banffshire, Alexander Stromach, Esq.

— At Edinburgh, Mr William Martin, late bookseller there, aged 78.

— At Aberdeen, aged 71, Mrs Niven of Thornton.

— Alexander Graham, Esq. of Linnkilns.

— At Kingston, Surrey, in the 79th year of his age, Lieutenant-General Gabriel Johnston, of the Honourable East India Company's Service.

— At Seaford Baths, Joseph Thomson, Esq. Jedburgh, late of the island of Jamaica.

28. At Leith, Joseph Stoney, Esq. late of Stoneyhenge, Jamaica.

29. At Ormiston, Miss Jane Johnston.

— At his house, George's Square, Edinburgh, Robert Little Gilmour, Esq. writer to the signet.

— At her house in Castle Street, Edinburgh, Mrs Skene, sen. of Rubislaw.

— At Peebles, John Murray Robertson, Esq. Commissary and Sheriff Clerk of Peebles.

— At Hillhousefield House, Miss Isabel Hamilton, widow of the deceased Mr Alexander Brown, merchant in Edinburgh.

— At Dumfries, Mr John Dunn, minister of the Independent church there.

30. In the island of Tobago, Mr John Duncan, merchant.

— At Edinburgh, Richard Drake, youngest son of the late Admiral Deans of Huntingdon.

— At his house, in Finsbury Square, London, in the 85th year of his age, Robert Service, Esq.

31. At Gloucester Lodge, in his 19th year, George Charles Canning, Esq.

— At Hampstead Heath, in the prime of life, the Right Hon. Frances Countess of Huntingdon, her Ladyship having lain in on the Sunday preceding of her tenth child.

— At Upper Grosvenor Street, London, Patrick Crauford Bruce, Esq. of Glenely.

— At Seafeld, near Dundee, John Butler, Esq.

— At Jamaica, Miss Popham, daughter of Sir Home Popham.

*Lately*, At Hampstead, the Hon. John Dimsdale, Baron of the Russian empire, in the 73d year of his age.

— Major David Carstairs, of the 8th regiment of native infantry, after one day's illness, of cholera morbus, at Cannatore, near Madras.

— At Louth, aged 97, Mr Edward Blyth, for many years a very eminent grazier and dealer in stock, and an extensive wool-merchant.

— At Marnmoir, near Gloucester, John Rogers, at the advanced age of 107 years.

— At Angoulême, in France, in the 17th year of her age, of the small-pox, Georgiana Clephane Brooke, eldest daughter of Sir Joseph Brooke, Bart.

*Lately*, At Bath, in her 86th year, the relict of Dean Ogle, and mother of the late Mrs R. B. Sheridan.

— At his house in Great George Street, Westminster, John Hosier, Esq. in his 67th year.

— At Aird, Isle of Skye, Mrs Macdonald, widow of Captain Charles Macdonald.

— On board his Majesty's ship Sapphires, in the West Indies, in December last, Mr Andrew Hutchinson, surgeon.

— At Nagpore, Lieutenant-Colonel Henry Munt, C. B. of the 6th Light Cavalry.

— At Negapatnam, Lieutenant and Adjutant Archibald Rankin, 2d battalion 23d regiment.

— At Paris, suddenly, Lady Courtenay Cliechester.

— At London, Asheton Curzon, Viscount and Baron Curzon.

— At London, Benjamin West, Esq. in the 82d year of his age.

APRIL 1. At Gaderwarrha, India, the head-quarters of Colonel Adams, John Syme, younger of Ryedale, Lieutenant in the 19th native infantry, and Deputy Commissary at Nagpore.

— At Trincomalee, Thomas Miller Buchan, surgeon of his Majesty's ship, Minden.

— At St Croix, in the West Indies, George Allan, Esq.

— In Jamaica, of a fever, Charles Wight, son of Alexander Wight, W. S.

— At Salisbury Green, Lady Dick, sen. of Prestonfield.

— At the house of Wm. Wilberforce, Esq. M. P. Kensington Gore, the very Reverend Isaac Milner, D. D. F.R.S. Dean of Carlisle, President of Queen's College, Cambridge, and Lucasian Professor of Mathematics in that University.

— At Anstruther Easter, David Henderson, Esq. late Commander of the Prince of Wales excise yacht, aged 77.

2. Suddenly, at *Derwick*, in the 84th year of his age, Thomas Bolt, Esq. of Cruiser.

— At Brompton, in the 42d year of his age, Dr Thomas Browne, Professor of Moral Philosophy in the University of Edinburgh.

— At Chesham, Major-General Kemmis.

3. At Harewood House, Hanover Square, London, the Right Honourable the Earl of Harewood, aged 82.

— At Beith, in the 75th year of his age, Mr William White, bookseller in Beith.

5. The Countess of Fauconberg.

— At Calcutta, Mrs Robert Campbell.

6. At Campbelltown, Alexander Auld, Esq. of Garcoside, and wife of Deme-rara.

— At Perth, the Rev. Henry Sangster, minister of Humberie, in the 53d year of his ministry, and 82d of his age.

— At Langholm, the Rev. John Jardine, minister of the Associate Burgher congregation, in the 71st year of his age, and 34th of his ministry.

— At Old Harbour, Jamaica, Charles Copland, Esq. late of Aberdeen.

8. Thomas Earl of Selkirk, Lord Lieutenant of the Stewarty of Kirkcudbright, died in France, in the 49th year of his age.

— At Dumfries, Miss Agnes Kennedy, second daughter of the late Francis Kennedy of Dunure, Esq.

— At his apartments in Hampton Court Palace, Colonel Thomas, Master of the Robes, and Groom of the Bed-Chamber to his Majesty.

— At Glasgow, after a short illness, George Munro, Esq.

— At Pethead, Thomas Arbuthnot, Esq. merchant and banker there.

— At Bath, Alexander Hart, Esq. late Lieutenant-Colonel of the 11th regiment of light dragoons.

— At Hillhead, Mr John Mair of Hillhead, late farmer in Crookside, of Loudoun.

9. At Rairag, Lochalsh, Captain Patrick Grant, late of the 68th regiment.

11. At Hassingbad, of the jungle fever, Lieutenant John Campbell, of the 10th regiment of Bengal native infantry.

— At Perth, Convener John Muir, fisher, in the 84th year of his age.

12. At Calcutta, in the 27th year of his age, Lieutenant James Stuart.

13. At St Andrews, Mrs Alison Tullidoph, the last surviving daughter of the late Principal Tullidoph, of the United College, and relict of the Rev. Mr Thomson, minister at Kingoldrum, in the 85th year of her age.

14. At Paris, Dame Helen Golt, relict of Sir David Rae of Eskgrove, Bart.

— In Oxford Street, London, in her 74th year, the Dowager Lady Burgoyne.

— At the Cape of Good Hope, Hugh Spottiswood, Esq. of the Civil Service of the Madras Establishment.

— At Richmond Bay, Prince Edward's Island, North America, the Rev. Mr Andrew Nicholl.

15. At Rome, Mr John Bell, of Edinburgh, surgeon.

— At Bahse River's Mouth, in the Bay of Honduras, Miss Pringle Home.

— Alexander Moffat, Esq. of Sundaywell, aged 72 years.

— At his house, St James's Square, Edinburgh, James Robertson, Esq. W. S.

— At Montrose, Miss Katherine Ogilvy of Newtounhill, aged 79.

16. At Meggetney Castle, John Menzies, son of Stewart Menzies, Esq. of Culdares.

— In Conduit Street, Hanover Square, London, William Macnamara, Esq. late Captain in the Honourable East India Company's Service.

— In her house, South Audley Street, London, Mrs Susanna Long, in the 103d year of her age.

— At Bath, in his 88th year, Lieutenant-General Elliot, of the Royal Marines, a descendant of the family of Stobs Castle, Roxburghshire.

— Off the Cape of Good Hope, on board of the Castle Huntly, East Indianman, Lieutenant Alexander Chisholm Robertson, of his Majesty's 24th regiment.

17. At Monymusk House, Sir Archibald Grant of Monymusk, Bart.

— At Sanquhar, Mrs Margaret Ranken, wife of Lieutenant David McAdam, of the royal marines, aged 76.

— In Upper Norton Street, London, in his 87th year, Claud Russell, Esq.

18. At Douglas Mans. in the 83d year of his age, the Reverend William McCubbin.

— At the Pavilion, Brighton, of a consumption, Mr Charles Maxwell, one of the junior Pages of the Presence to his Majesty.

— At Cheiacole, in the East Indies, Lieutenant George Dun, of the 20th regiment native infantry, third son of James Dun, Esq. of Shawpark, near Selkirk.

19. In his 84th year, the Right Reverend Charles Arbuthnot, Lord Abbot of the Scots Monastery and College of St James's in Ratisbon.

— At Reypoor, of a fever, Lieutenant Richard Fraser, 5th Bengal native infantry.

20. In Glamorganshire, of a rapid decline, occasioned by the bursting of a blood vessel, Eaton Stannard Barrett, Esq.

— At Edinburgh, Miss Isabella Stuart, daughter of the late John Stuart of Castleton, Esq. W. S.

21. At Worthington Hall, Mrs Curwen, wife of J. C. Curwen, Esq. M. P. for the county of Cumberland.

— On his passage from the island of Ceylon, to his native land, Captain John Ritchie, of the 73d regiment.

22. At his house, Gayfield Place, Alexander Bonar, Esq. of Ratho, banker in Edinburgh.

— In George's Square, Edinburgh, Margaret, wife of Colonel Munro.

23. At his house on Blackheath, Peter Lawrie, Esq. of Etnespie, Scotland, aged 58.

— At Manse of Cluny, the Reverend Alexander Mearns.

— At Lopness, Orkney, Mrs Strang, wife of William Strang, Esq.

24. At Queensferry, Miss Mary Davidson, aged 86.

— At Edinburgh, Mr John White, writer to the signet.

— At Wick, Patrick Thomson, Esq. writer, in the 54th year of his age.

— At Doncaster, E. Topham, Esq. a deputy-lieutenant, and acting magistrate for the North and East Ridings of Yorkshire.

25. At Edinburgh, Mrs Isobel Gardner, wife of Richard Hotchkiss, Esq. of Templehall, W. S.

— At Wick, Patrick Thomson, Esq. writer, in the 54th year of his age.

— At Doncaster, E. Topham, Esq. a deputy-lieutenant, and acting magistrate for the North and East Ridings of Yorkshire.

26. At Wurnoo Tank, in Wagar, Captain James Macmurdo, the Honourable East India Company's Resident at Cuttack.

— At Langley, Kent, the Dowager Duchess of Northumberland.

— At London, William Davies, Esq. of the firm of Cadell and Davies, booksellers in the Strand.

28. In consequence of a fall from his horse, Sir John Trollope, Bart. D. C. L. of Casewick, near Stamford, Lincolnshire.

— At Gargstown of Redcastle, Alexander Macfarquhar, alias Roy, at the advanced age of 103 years.

— At Tunbridge Wells, Captain George Allan Maclean, of the 97th regiment.

29. At Campbelltown, near Fort George, in the 73d year of his age, Mr Alexander Tulloch, merchant there.

31. At Sierra Leone, Mr Henry Alexander Elliot.

Lately, The Dowager Lady Gage, aged 84.

— Edward Lascelles, Earl of Harwood, &c.

— The Honourable Augustus Richard Buller Danvers, uncle to the Earl of Lanesborough.

MAY 1. At Kirkcaldy, John Ford, Esq. 2 At Edinburgh, James Steel, Esq. writer in Edinburgh.

— At Clons, John Harry, only son of Sir Harry Niven Lumsden of Auchindoir.

— At Madras, Sebastian Holford Greis, Esq.

3. At London, Mrs Christian Davidson, wife of Mr Thomas Hay.

— At Ratisbon, the Rev. James Robertson, through whose perilous exertions the gallant Roniana, with her ten thousand Spaniards, effected their escape from the north of Germany, and soon after joined their countrymen who were then struggling for their independence.

— At Birdstone, James Morrison, Esq. younger of Craigend.

4. At Hinckley, Leicestershire, Mary Ann, daughter of the late Sir Alexander Kinloch of Gilmerton, Bart.

5. At Perth, Captain Archibald Campbell, on the half-pay of the 56th regiment.

— At Smart's Buildings, London, in her 105th year, Ann Henley.

6. At Point St Charles, near Montreal; Mr John Watson.

— Peter McTaggart, Esq. senior, aged 66.

— At Toward, Day Hott Mackell, Esq.

7. At Milfield, Alexander McDonnell, Esq. solicitor in Inverness.

— At Edinburgh, Mr John Ross, writer.

7. At Govan Manse, the Rev. John Pollock, D.D. aged 59, and in the 29th year of his ministry.

— At the Manse of Assynt, Helen, wife of the Reverend Hugh Mackenzie, D.D.

— At Manaraug, Java, John Polwarth, Esq.

8. At his seat of Heaton Lodge, near Leeds, General George Baggard, colonel of his Majesty's 8th regiment.

9. At Aberdeen, in the prime of life, Mr James Simpson.

— At Covington Manse, the Reverend Bryce Little.

— At his house, Craignestock, John Ure, Esq. late merchant in Glasgow.

10. At Cheltenham, in the 57th year of his age, Major-general Sir Haylett Framingham, Knight Commander of the Bath, and of the Royal Hanoverian Guelphic order, colonel of the Royal Horse Artillery, and commanding officer of the Royal Artillery in Ireland.

— In Norfolk Street, Strand, London, Captain John Anderson, late in the sea service of the Honourable East India Company.

— At his house in George Square, Edinburgh, Captain James Tod, late of the Honourable East India Company's naval service.

— In Wimpole Street, London, Henry John, second son of the Hon. John Thornton Leslie Melville.

— At Rineton, the Rev. James Macdonald, chaplain of the late 76th regiment of foot.

12. At Biggar, Mrs Margaret Noble of Baddingsmill, at the advanced age of 82.

— At Braehead Manse, Mrs Somnerville, widow of the late Mr Samuel Somnerville of Ampherlaw.

— At Inchgarth, near Forfar, Mrs Elizabeth Ure, spouse of the Rev. John Skinner.

— Suddenly at Nairn, in the 70th year of his age, the Rev. Isaac Kitchen, upwards of 40 years minister of the Secession congregation there.

13. At Edinburgh, Mr James Sawer, bookseller.

13. At Airth Castle, Mrs Graham, widow of William Graham of Airth, Esq.

— At Newport, Isle of Wight, Brevet

Lieutenant-colonel Henry Worsley, senior major of his Majesty's 34th regiment of infantry, captain of Yarmouth Castle.

— At Hamburg, Mrs Mary Cunningham, spouse of Alexander McLaren, Esq. merchant, Hamburg.

15. At Lyons, Michael, second son of Robert Bogle, Esq. of Gilmorehill.

— At Pitnacree, Archibald Menzies, Esq. of Pitnacree.

16. At Aberdeen, Patrick Milne, Esq. of Camomugate.

— At Montrose, Mrs Jean Straton, daughter of the late Patrick Straton, Esq. of Montrose, in the 85th year of her age. Besides leaving handsome legacies to her relatives, she has bequeathed the following sums:—To the poor within the town of Montrose, L.1000; for the education of poor children, L.1000; for the benefit of decayed gentlewomen in Montrose, L.1000; to the Episcopal chapel of Montrose, L.1000; to purchase a house for the officiating clergyman of the chapel, L.500; to the Seamen's Box, L.240.

— At Airblis, near Hamilton, Gavin Alston, Esq. W. S.

— At Edinburgh, Mr James Cockburn, lately of the Linen Hall, Edinburgh, aged 87.

— At Dunrobin Mains, Sutherlandshire, Mr Alexander Stewart, manager for the most Noble the Marquis and Marchioness of Stafford.

— At Hopeville, Caithness, Mrs Helen Sinclair, wife of David Brodie, Esq. of Hopeville.—A few hours afterwards, at Stanstill, her sister, Mrs Henrietta Sinclair, of Southdun, both daughters of the late James Sinclair, Esq. of Harpsdale.

17. At Sillwood Park, Sunninghill, Berkshire, Mary, the wife of George Simson, Esq. aged 48.

— At Dunfermline, Mr Alexander Reid, merchant, there.

18. At Laurieston, Miss Anne Erskine.

20. At Broughton Place, Edinburgh, Mrs Wallace, widow of the late James Benjamin Wallace, Esq. Bombay.

— At Tranent Lodge, Miss Margaret Inglis.

21. In Gower Street, Bedford Square, London, Alexander Hendras Sutherland, Esq. F.S.A.



22. At Milton, the lady of Sir David Hunter Blair, Bart.

— At Ardoch, Mrs Moray Stirling, widow of Charles Moray Stirling, Esq. of Abercarnsey.

— At Banff, James Gardiner, Esq. late of the Island of Jamaica.

— At Bath, the Right Hon. Lord Sherborne.

23. At Pinkieburn, near Musselburgh, Alexander Lindsay, Esq. late physician in Dublin.

— James Patrick, Esq. of Knowlead, Stirlingshire.

24. At Perth, in the 73d year of her age, Mrs Pringle, spouse to the Rev. Dr Pringle.

— At Glasgow, Mr William Miler, merchant.

25. At Montreal, Captain Alexander Webster, 50th regiment.

— Mrs Finlayson of Jeanfield.

— At sea, on his return from Lisbon, Thomas Stodart, Esq. Cardona Manus, Peeblesshire.

— At his house, Greenock, Patrick Nicholson of Ardmore, Esq.

27. At Auchindunny House, Mrs Inglis.

29. At Inverness, in her 57th year, Mrs Marjory Maclean, relict of Mr Alexander Lee, merchant.

30. At Inverness, at an advanced age, Miss Ann Mackintosh.

31. At the Manse of Lochalsh, Dr Alexander Downie.

— At Stronchrigen, near Fort William, Mrs Stewart, wife of Duncan Stewart, Esq. of Achnacloan.

— At Muket Wighton, Mr Bradley, the Yorkshire giant. When dead he measured nine feet in length, and three feet over the shoulders.

*Lastly*, At Collenswood, near Dublin, in the 70th year of his age, Rear Admiral Sir Charles Fortescue, Kt. Ulster King of Arms.

— At Upper Grosvenor Street, London, Patrick Crauford Bruce, Esq. of Glendeg.

— The Right Hon. Wilmot Vaughan, Earl of Lisburne.

— Olivia, Dowager Countess of Rosse.

— At his house in Sackville Street, London, aged upwards of 80 years, the celebrated Arthur Young, Esq. of Brad-

field, near Bury, secretary to the Board of Agriculture.

*Lastly*, At London, John Grant, Esq. of Yalhibon, in the island of St Vincent.

— At Arcueil, in France, Mr Blagden, Secretary of the Royal Society of London.

— In the parish of Aghish, in the vicinity of Killarney, at the very advanced age of 115 years, Theodore Sullivan, the celebrated Irish bard.

— At Dindigul, Major E. P. Stevenson, of the 4th N. V. battalion.

— At Rome, Sister Fortune Giancarelli, of the Ursuline order, in the 109th year of her age, and the 7th of her residence in the convent.

— At Belfast, in the 65th year of his age, Dr Denham, the celebrated Irish patriot.

— At Up-Park Camp, in Jamaica, Lieutenant Hector Innes, of the 92d regiment.

— At her house, St John Street, Edinburgh, Mrs Phillips, widow of Richard Elliston Phillips, Esq.

A few days ago, in the 75th year of his age, Mr Edward Smith, of Spilsby, in Lancashire, who was one of the most singular characters in the kingdom. — Until within a very few years, it was his constant practice to ride on a bull, and instead of smoking tobacco he had his hay salted, and smoked it instead of that plant. By his will he directed that his body should be carried to the grave by poor men, who were to be paid 5s. each; that the funeral should take place early in the morning, and that none of his relatives or friends should attend, or any mourning be worn by them on his account, under a forfeiture of their respective legacies.

— At Drumbooy, Ireland, Mr Henry Hamilton, at the advanced age of 104.

— At Bristol Hot-wells, the Dowager Countess of Granard.

— At London, Lieutenant-Colonel Handfield, formerly of the 22d regiment of foot.

JUNE 1. At Surat, Captain Robert Campbell, of the Bombay army.

— At Guernsey, Lieutenant Andrew Nathaniel Napier, of the Royal Navy.

2. At Downeston, George Buchanan, Esq. in the 62d year of his age.

2. At Perth, Jean Gloag, Esq. of Greenhill, in the 82d year of his age.

3. At the Manse of Bervie, in the 81st year of his age, the Rev. Robert Croll.

4. At London, the Right Hon. Henry Grattan, M. P.

— At Paisley, Mr James Miller, cashier to the Union Bank Company, Paisley.

— Francis Drummond, Esq. of Sloane Street, in the county of Middlesex, captain in the late 98th regiment of foot, in the 72d year of his age, representative of the ancient and respectable family of the Drummonds of Hawthornden, in the county of Edinburgh.

5. At Nagpoor, Alexander Muir Campbell, assistant surgeon in the East India Company's service.

6. At Bath, aged 67, Lieutenant-Colonel Flint, late of the Hon. East India Company's service, Madras establishment.

— At Arbroath, Mr John Eyles, surgeon, in the 47th year of his age.

— At Delrow, Herts, Lieutenant-Colonel Leighton Cathcart Dalrymple, C.B. 15th hussars.

7. At Arbroath, Lieut.-Colonel Brown of Bosseyreach, Jamaica, after a long and severe illness.

8. Mr John Stewart of Innerdunning, aged 89 years.

— At Noroba, Mary, daughter of Major M'Dougall, younger of Noroba.

— At Charleston, South Carolina, John Marshall, Esq.

— At Edinburgh, Hugh Warrender, Esq. of Burntsfield, his Majesty's agent for Scotland, and Deputy keeper of the Signet.

9. At the palace of Loo, in her 69th year, her Royal Highness Frederica Sophia Wilhelmina, Princess Dowager of Orange.

— At Aberdeen, John Abercrombie, Esq. late provost of Aberdeen.

— At Edinburgh, Mr George Wauchope, late tobacconist, Shakespeare Square.

— In camp, near Benary, in India, Captain Stewart of Stenton, of the 8d regiment, N. I. Madras establishment.

— At Kilmarnock, Mrs Agnes Smith, relict of the late Hugh Salt, Esq. Irvine.

10. At Leith, Mr John Murray, merchant there.

11. At his house in Lynedoch Place, Edinburgh, Major James Weir, R. M. of Tollcross and Drumsheugh.

12. At London, Major Archibald Mac-lachlan, of the Royal Marines.

— At Queensferry, the Rev. John Henderson, minister of that parish.

— At Bath, the Hon. Miss P. Hely Hutchinson.

— John Gray, Esq. of Birdston, at the advanced age of 78 years.

— At Bangalore, in the East Indies, Major Doherty of the 13th light dragoons.

13. At Content Street, Ayr, Mrs Anna Buchanan, spouse of William A. Smith, adjutant Ayrshire yeomanry cavalry.

— On his passage from Demerara, Francis James Adam, Esq. youngest son of the Lord Chief Commissioner of the Jury Court.

— At Crossmichael Manse, the Rev. John Johnstone, in the 64th year of his age, and 37th of his ministry.

14. At Broughton Place, Mrs Jemima Laddell Bell, wife of Mr George Yule, merchant, Edinburgh.

— Aged 80 years, the Rev. William Richardson, D. D. Rector of Glonfeckle, and formerly a senior Fellow of Trinity College, Dublin.

— Suddenly, at Paradise, near Kelso, Mrs Agnes Stuart, aged 71, widow of the late Mr John Jerdan, Bailie of Kelso.

— At his seat at Aske, in Yorkshire, aged 79, Thomas Lord Duhlas.

16. At his seat, Petersham, Lord Charles Spencer.

17. At Lismekilns, the Rev. William Hadden, minister of the gospel there.

19. At his house, Spring Grove, near Hounslow, the Right Hon. Sir Joseph Banks, Bart. G. C. B. President of the Royal Society, aged 80.

— At Tanjore, in the East Indies, Hays Gordon, Esq. surgeon on the Madras establishment.

— At his house, Abbey Hill, Edinburgh, the Hon. Fletcher Norton, senior Baron of the Court of Exchequer in Scotland, one of the oldest judges in the three kingdoms.

— At Stanton in Yorkshire, the Rev. Charles Baillie Hamilton, Archdeacon of Cleveland.

19. At Edinburgh, Mrs Margaret Caw, relict of the late Mr William M'Clach, printer there.

20. At Carolina Park, near Edinburgh, Archibald Cockburn, Esq. late of Cockpen. Mr Cockburn entered into the Faculty of Advocates in 1762, and was long Sheriff-depute of the county of Edinburgh, which office he filled decently to the satisfaction of the public. He was afterwards made Judge Admiral, and in 1790 was appointed a Baron of the Court of Exchequer, in the room of Baron Stewart Moncrieff, which he resigned in 1809, and was succeeded by Baron Clerk Rydair.

— At Leith Walk, Mr John Marshall, sculptor.

21. At his house in Edinburgh, John Mackenzie of Applecross, Esq.

— At Hydrabad, Captain Ormle Fraser, 7th regiment Madras native infantry.

— On his passage from Jamaica to this country, Robert Murray, Esq. of Knapdale, in that island.

22. At his house in Nicholson Street, Edinburgh, Dr John Murray, lecturer on chemistry in Edinburgh.

— At Shabdon House, Surrey, Mrs Oliver, spouse of William Oliver, Esq. of Dinslabyre.

— At the house of Lord Viscount Duncan, Mrs Oswald, wife of Alexander Oswald, Esq. and her infant son.

— At Greenock, Mr Thomas Boug, merchant.

23. At Heriot Row, Edinburgh, Miss Christian Hepburn Donaldson.

— James Walker, Esq. of Weddingshall.

— At Edinburgh, James Moodie, Esq. late of Meisetter.

— At her house, Buckleuch Street, Edinburgh, Miss Lawrie.

25. At his house in Belmont, Elizabeth, the wife of Rear Admiral Christie of Baberton.

— At Causton, near Newark, aged 96 years, Mr William Talbot, better known in that neighbourhood by the name of "Old Grandad." He was father, grandfather, and great-grandfather to 126 children, of whom there are now living 96.

— Alexander Christison, Esq. late Professor of Humanity in the University of Edinburgh.

26. At Aberdeen, Miss Sibella Brebner, daughter of Alexander Brebner of Learney.

27. At Edinburgh, in the 22d year of his age, Alexander Duncan, the eldest son of Mr Alexander Dallas, W. S.

28. At Carphur, Mrs Rait.  
— At Glasgow, Mr Peter M'Fun, merchant, aged 39 years.

29. At his seat, Hyde Hall, Hertfordshire, the Earl of Roden.

*Lately*, Lady Powerscourt.

— Dr Mansell, Bishop of Bristol.

— Suddenly at Brighton, the Right Honourable Lord Gwydir, who held the situation of officiating Great Chamberlain of England in right of his wife, Lady Wiltoughby d'Erresby.

30. At Redpath, Mrs Neill, aged 81.

— At Dunbar, in the 74th year of his age, Mr John Goudie, late manufacturer in Glasgow.

— At Edinburgh, Mr William Griffith, umbrella manufacturer, in his 56th year.

JULY 1. At Port Louis, Mauritius, George Waugh, Esq.

— At Madras, Lieut. James Brown, 2d battalion 10th regiment native infantry.

2. At Barrock House, Carthness, John Sinclair, Esq. of Barrock.

— At Brechin, Mr James Morris, bookseller there.

3. In London, the Right Hon. John Earl of Strathmore.

— On his passage from India to Europe, Robert Hunter, Esq. surgeon in the Hon. East India Company's service.

— At Trieste, Colonel Simpson, of the Royal Imperial Marines.

4. At his seat at Fulham, the Right Hon. Thomas Lord Viscount Ranelagh.

— At Crombie Point, near Torryburn, Mrs Mary Ogilvie, widow of the late James Anderso, Esq. Supervisor of Excise, Greenock.

— At Govan, Mr Daniel Wardrop, aged 92 years.

5. At Wick, William Macleay, Esq. late provost of that burgh, in the 80th year of his age.

7. At his house, Broomhill, near Lasswade, William Swarston, Esq. late of St. Kitt's.

— At Montrose, Mr Alexander Pater-son, in the 59th year of his age.

— In Kingston, Jamaica, Mrs Sarah

Green Baker, a female of colour, aged 140 years. She had lived to see her fifth generation.

— At Pethver, Robert Wallwood, Esq. of Garvock.

8. Miss Elizabeth Pettigrew, of Green. At Balgonie Cottage, Fifeshire; Major James Douglas, late of the 7th royal veteran battalion.

— At Parkhill, Stirlingshire, Mrs Catherine Miller, relict of Andrew Muirhead, Esq. Castle Ranken.

9. At Kippencross House, Mrs Stirling, widow of the late John Stirling, Esq. of Kippendavie.

— At Greenfield, near Alloa, Mrs Morrison, of Greenfield.

10. At Kilsyth Manse, the Rev. Robert Renne, D. D.

— At Largs, James, only son of George Stirling, Esq. Glasgow.

11. In Queen Street, Edinburgh, Miss Elizabeth Keay, sen.

— In George's Square, Glasgow, Dame Robina Crawford Pollok of Pollok, aged 83 years, relict of Sir Hew Crawford, Bart. of Jordanhill.

— At Trincomalee, of cholera morbus, in his 18th year, Mr Thomas, a midshipman of the Leander.

13. At London, John Anderson, Esq. of Fernoy, in the county of Cork.

— At his Palace in Chelsea, after a long illness and general decay of nature, the Hon. Brownlow North, D. C. L., Lord Bishop of Winchester, Prelate of the Order of the Garter, Provincial Sub-Dean of Canterbury, and Visitor of Magdalene, New, Trinity, St John's, and Corpus Colleges, Oxford, F.A. and L.S. His Lordship was aged 79, having been nearly 40 years Bishop of that Diocese.

14. At Clay Hall, near Windsor, Mrs James Lindsay, wife of Captain Lindsay, grenadier guards, aged 23.

16. At Berth, William Fleming, Esq. writer.

— At Easthouses, aged 78, Gideon Walkinshaw. He was father to 12, grandfather to 64, and great-grandfather to 41, making a total of 117; 30 of whom are dead, and 87 living; he had been in the employ of the Marquis of Lothian for 61 years; 84 of his progeny are yet at his Lordship's works.

17. At Blairlogie, Susan Wallace, wife

of the Rev. William Anderson, minister of the gospel there, aged 42.

18. At Miramichi, New Brunswick. Mr George Laurie, merchant.

20. At Montrose, Mrs Elizabeth Stratton, daughter of the deceased John Stratton, Esq. of Lauristoun, in the 86th year of her age.

— At Inverness, Mrs Susanna Macalister, wife of Norman Macdonald, Esq. Scalpa.

— At Edinburgh, in the 83d year of her age, Miss Graham, only remaining daughter of the deceased James Graham of Palquhapple, Esq.

21. At Portobello, John Macintosh, Esq. late accountant of the Royal Bank.

21. James Towers, Esq. Professor of Midwifery in the University of Glasgow.

— At Alloa, Mrs Margaret Cowie, wife of John Dampmond, Esq. writer there.

— At Newbattle, Diana, eldest daughter of the late Colonel Donald Mackend of St Kilda.

25. At Edinburgh, Colonel Robert Bailhe, of the Hon. East India Company's service.

26. At Holywood Manse, the Rev. Dr Crichton, minister of that parish.

27. At Mullie, on the Nepal frontier, Major Charles Peter Hay, of the 2d regiment Bengal infantry, commanding the Champarun light infantry.

28. At Burnside, Thomas Crichton, Esq.

29. At Joxith Park, near Liverpool, Eliza Anna, wife of Mr John Macintyre, merchant.

— At Inverness, James Errol Gray, Esq. surgeon.

30. At Glasgow, in the 86th year of his age, John Love, Esq. merchant, Glasgow.

— At Geneva, Captain Stephen Gordon, of the 5th dragoon guards.

— At Worksop, Nottinghamshire, Robert Barber, Esq. in the 54th year of his age.

31. At Chessel's Court, Edinburgh, Wilhelmina Marjoribanks, wife of William Jamieson, merchant.

— At his house, 30 Andrew's Square, Edinburgh, Dorothea Clerk, eldest daughter of Joseph Bell, Esq. surgeon.

Lately, The Right Reverend W. Bennet, Bishop of Clogher.

August 1. At Blackness, Lanthgow, Mr George Allan, merchant in Liverpool.

— At Allanfield, near Leith, Mrs Allan.

2. At Chapel, Fifeshire, Robert Arnott, Esq. in the 78th year of his age.

— At Edinburgh, the Reverend David Dickson of Perslands.

4. At Balstack, in the parish of Hutton, aged 69 years, David Graham, Esq. banker.

5. At Brussels, Major-General Sir William Nicholson, Bart.

— At Edinburgh, Miss Margaret Boswell, the last of the name in the direct line of the ancient family of the Boswells of Balnuto.

— At Paisley, Thomas Smith, Esq. late merchant in Glasgow.

— At Bologna, within an hour of each other, George Meek of Campfield, Esq. and Mrs Janet Meek, his wife.

6. At Stank, in the parish of Ruthwell, in the 56th year of her age, Miss Sophia Richardson.

— At Forres, William Tulloh, Esq. of Bogton, and formerly of Calcutta.

7. In Duke Street, Westminster, in her 80th year, the daughter of the late Dr Hutton, more than half a century ago Archbishop of Canterbury.

— At Whitsoome manse, Berwickshire, the Reverend George Drummond.

— At Walls, Miss Jane Ker, eldest daughter of Gilbert Ker, Esq.

— At his house, Edinburgh, Thomas Brown, Esq. bookseller.

— At London, John Urquhart, Esq. of the Ordnance Office.

8. At Coombe House, Surrey, aged 64 years, Beeston Long, Esq. one of the Directors of the Bank of England.

— At Gilmerton, Miss Christian Trotter.

— At Taybank, Mrs Bridget Yeamay, spouse of Charles Guthrie, Esq.

9. At Liverpool, the celebrated Miss Margaret M'Avoy, whose faculty of distinguishing colours, &c. by the touch, gave rise to so much discussion about three years since.

— At sea (during a voyage from Bombay to Calcutta) Lieutenant Donald Norman M'Donald, 10th Madras native infantry.

10. At Ulcombe Place, Kent, in the 51st year of his age, the most Honourable Walter, Marquis and Earl of Ormonde, in Ireland, and Baron Butler in England, K.P. and Governor of the county of Kilkenny.

— At Ayr, Adam Stewart, Esq. late of Liverpool, in his 80th year.

11. At London, the Right Hon. Lady Lilford.

— At Norwich, aged 46, Captain Robert Tinkler, R. N. who signalled himself by his intrepid bravery in several engagements, in which he had received 21 wounds. Captain Tinkler was cabin boy on board his Majesty's ship Bounty (Captain Bligh) at the time the crew of that ship mutinied in the South Seas, in the year 1789, and was one of the 12 persons who, with the captain, were turned adrift in a boat by the mutineers.

— On board his Majesty's ship Tartar, Howard, third son of Colonel Sir Howard Douglas.

12. At Edinburgh, Mr John Swanston, merchant.

— At Dumfries, in the 23d year of his age, Mr David Jefferson, writer.

13. At Edinburgh, Mrs Finlayson, widow of Mr William Finlayson, formerly of Savannah-la-Mar, Jamaica.

— At Kingsburgh, James King, Esq.

— At Old Northamptonshire, Miss Barclay of Hardie, wife of Robert Barclay Allardyce, Esq. of Ury.

— At Baden, in Germany, in the 28th year of his age, John, eldest son of the Hon. John Spencer.

— At Edinburgh, Mr Richard Cleg-horn, solicitor at law.

16. At Edinburgh, John Livingston Campbell, Esq. of Achalader.

17. At Edinburgh, John Livingstone, Esq. of Shortridge-head.

— In Jamaica, Hugh Walker, Esq. of Carron Hall.

18. In the eighth year of her age, Sophia Albina Georgina, eldest daughter to Mr and Mrs Gordon of Auchluchina.

— At Glasgow, M<sup>rs</sup> Hay, relict of Hugh Hay, Esq. of Paris, Perthshire.

— At Lude, Colonel John Robertson.

19. At Edinburgh, Mr James Miller, depute-clerk to the commission of Tiends.

— At Glasgow, Mr William Mudie, merchant, aged 69.

20. At Bath, Major-General Sir Granby Thomas Calcraft, Knight of the orders of Maria Theresa, Tower and Sword, &c.  
— At Trincomalee, Lieutenant Benjamin Stow, of his Majesty ship Leander.
21. At the manse of Kincardine, the late Alexander M'Bean.  
— At Brussels, Lieutenant General Sir Ewen Baillie, Bart.  
— Sir Hugh Inglis of Milton Bryant, Bedfordshire, Bart.
22. At Edinburgh, David Johnstone Mulcol, Esq. collector of his Majesty's customs, Kirkcaldy.
23. At Bandah, Bengal, Mr Hay Macdowall, youngest son of the late D. H. Macdowall of Walkinshaw, Esq.  
— At Castle Semple House, in the 67th year of his age, John Harvey, Esq.
24. At Burfoston, in Shetland, Mrs Henry, wife of Thomas Henry of Bayhall, Esq.
25. At Salt Ponds, Jamaica, Peter Grant, Esq. sergeant-at-arms to the Hon. House of Assembly.  
— At Dingwall, Mrs James Ross.  
— At Sterling, Lieutenant W. I. Devonshire, R. N.  
— At her house, Castle Street, Dundee, Miss Matilda Constable.  
— At Lathrisk, Charles Maitland, of Rankelour.  
— At his house in Grosvenor Place, London, the Right Hon. Lord Stowell, in his 64th year.
26. Mr Thomas Strong, merchant in Leith.  
— Lady Niven Lumsden of Auchindoir.
27. At Carlisle, Mrs Francis Jollie, late proprietor of the Carlisle Journal.  
— At Bridgend, Perth, Isabella Mary Campbell, spouse of Major Tod, late of the 33d regiment.
28. At Bangalore, Major-General Hare.  
— At Edinburgh, Mrs Rachell Ann Morrierson, widow of Major David Morrierson, of the Hon. East India Company's service.
30. At Paisley, Mrs Maxwell, widow of James Maxwell, Esq. of Castlehead.
31. At Killin, the Rev. Dr Basby, Dean of Rochester, aged 63.  
— At London, Ensign James Wight, 70th regiment.  
— At Aberdeen, Mrs Smith, aged 75.
- Lately*, At Paris, Count Volhey.  
*Lately*, At Drumabin, Mrs M'Donell, wife of Captain R. M'Donell, late of the Glengarry Fencibles.  
— At Wickham, near Fareham, Vice-Admiral Sir Richard Grindall, K. C. B. in his 70th year.  
— At Horndean, in Hampshire, Edward Oliver Osburn, Esq. Vice-admiral of his Majesty's fleet.  
— At Eye, in Suffolk, in the 89th year of his age, the Rev. Robert Malyn.  
— At sea, Theodore Forbes, Esq. of Bombay, second son of John Forbes, Esq. of Boyndlie.  
— At Montrose, in his 80th year, Bailie John Milne.  
— At Castle Carey, Somerset, John Peto Verny, Lord Willoughby de Broke, in his 59th year.  
— At Edinburgh, Robert Buchanan, Esq. late of the Stock Exchange, London.  
— At Munkirk Iron Works, the Rev. Dr William Rutherford.  
— At Nassau, New Providence, Anne Susan, wife of Lieut.-Colonel Frederick Tomkins.  
3. At Calcutta, Robert Campbell, Esq. of the civil department there.  
4. At Port-Glasgow, John Dunlop, Esq. collector of the customs there.  
— At Glasgow, Charles Wilson, Esq. surgeon.  
— At the advanced age of 90, Mrs Jean Bogle, widow of Mr Matthew Wouterspoon, late of Springbog.  
— At Ayr, Miss Hamilton, daughter of the late John Hamilton of Kyps, writer in Mauchline.  
5. At Muirfield, East Lothian, Major Spenser Cochrane, of the East India Company's service.  
— At Stratton, the seat of Robert Marsham, Esq. Sir Edward Bacon of Raveningham, in Norfolk, premier Baronet of England.  
— At Paisley, after a short illness, Hugh Thourson, Esq. Among other bequests he has left 1000*l.* for public benevolent purposes, viz.—To the British and Foreign Bible Society, 200*l.* London Missionary Society, 200*l.* Hutcheson's Charity School, Paisley, 200*l.* Paisley Sabbath School Society, 200*l.* Paisley Dispensary and House of Recovery, 200*l.*  
6. At London, James Ferguson of Pitfour, Esq. M. P.

7. At Garscube House, Mrs Anne Campbell, widow of the late Francis Sillwell, Esq. of Barmoor.  
— At Stevenson, Ayrshire, after two days illness, the Rev. Thomas Blair, late minister of the gospel, Cairneyhill.  
— In George Square, Edinburgh, Mrs Campbell, wife of Mr Archibald Campbell, brewer.
9. At Plymouth, Samuel Hood Lanzer, Esq. vice admiral of the blue.  
— At Glenearn Cottage, Elizabeth Margaret, second daughter of Charles Husbard, Esq.  
— At Harrogate, Mrs Dundas, St Andrew's Square, Edinburgh  
— At Greenlaw Manse, the Rev. James Luke.
10. At his house in Upper Baker Street, London, Alexander Ross of Cromarty, Esq.  
— At Youghall in Ireland, Gurney Barclay, Esq. of Tavistock Square, London.
11. At Swinton-house, John Swinton, Esq. of Swinton  
— At Barochie, Mrs Campbell, wife of Captain A. Campbell, of the artillery
12. At Calcutta, Walter Davidson, Esq.  
— At Dingwall, John Simpson, Esq. writer there
13. At Perth, Mr Alexander Porteous, merchant there, in the 78th year of his age  
— At Paris, Marshal Kellerman, Duke of Valmy
11. At Leadclunye, Stratherick, Captain Thomas Fraser  
— At Knockbreck, Samuel Thomson, Esq.  
— At Dover, Lieutenant-Colonel Sir Alexander Allan, Bart.
15. At Edinburgh, Mrs Marjory Cameron, wife of Mr Archibald Fletcher, writer  
— At Paris, Marshal Lefebre, Duke of Dantzic.  
— At his house, Woodcot, in the county of Haddington, George Home Falconer, Esq. Captain of the 2d dragoons, (Scots Greys.)  
— At Cambletm, in his 86th year, and the 57th of his ministry, the Rev. Dr George Robertson.  
— At Kilmarnock, Mrs Hamilton, wife of the Rev. A. Hamilton.
16. At Burnmouth, Liddesdale, John Elliot, Esq. of Binks.  
— At Woodside, Mrs Russell of Woodside.
17. At his house, Buccleuch Place, Edinburgh, Mr George Watson, jeweller.  
— Mrs Margaret Wilson, wife of John Hay, writer, Edinburgh.  
— At Manse of Ruthven, Mrs Margaret Donaldson, spouse of John Masson, Esq. S.S.C. Edinburgh.  
— At Ashintully, Wm. Rutherford, Esq.  
— At Leebeg, Assynt, Margaret, wife of John Mackenzie, Esq. Leebeg.  
— At Malaga, John M. Hunter, Esq. of Glasgow, merchant.
18. At Bruntisfield, Lieutenant Robert Horsman Scott, 1st regiment, or Royal Scots  
— At Cheltenham, John Haig, Esq. merchant in London  
— At Bath, the Hon. Mrs Sotheby.
19. At Plymouth, R. A. Nelson, Esq. Secretary of the Naval Board.
20. At Glasgow, aged 96, Miss Logie, relict of the late James Logie, Esq. Collector of the Customs in Rothesay.  
— At Edinburgh, in the 24th year of his age, Patrick Lyon, M. D.
22. At Sook Sangar, India, after a few hours' illness, Mr Alexander Arnot.  
— At Spynham, Lachlan McBean, Esq. of Tongatoo.
- At Bighull, near Aberdeen, Mrs Rose, relict of the Rev. Alexander Rose, minister of Auchtermuchty
- At London, Catherine, daughter of the late Right Hon. Lady Janet, and Sir Robert Anstruther, Bart. of Balcaiskie, Fifeshire.  
— At Edinburgh, Mr James Simpson, stationer, Royal Exchange.
24. At Portobello, the Right Honourable Alexander Lord Milbank.  
— At her house in Gayfield Square, Mrs Marjory Smith.  
— At Richmond, Virginia, Jn. Graham, Esq.  
— At Kingston, Upper Canada, Mr William Mitchell, merchant there.
29. In the island of Tobago, Alexander Law, Esq. of Cartara.
30. At Mid-Calder, Mr Thomas Fraser, surgeon.  
— At Jedburgh, Thomas Ormiston, Esq. of Gienburnhall.

30. In London, aged 83, the relict of the late James Macgregor, Esq. of Bellmore.

— William Fielding, Esq. the senior magistrate at the police office, Golden Square, London.

— At the Hirsol, Signior Guestenelli, aged 107.

*Lately*, At Paris, William Thos. Sandiford, Esq.

— The Countess of Shannon, shortly after the birth of her 12th child.

— At Bouverie Street, London, of apoplexy, in his 80th year, James Dobie, solicitor.

OCTOBER 1. At his cottage at Wimbledon, Thomas Harris, Esq.

— At Bieton House, the Right Hon. Lady Rolfe.

— At his house, Melville Street, Edinburgh, Charles Macpherson, late Inspector-General for North Britain.

2. At Montrose, aged 84, Mr John Kinneir, merchant.

3. At Gateshead, near Newcastle-upon-Tyne, the Hon. Mrs Smith, sister to the Earl of Donoughmore.

— At Rhives, in the parish of Kilmuir Easter, Mrs Mary Ross, wife of David Aitken, Esq.

5. At Campbellton, Mrs Macynear, in her 88th year, and the oldest widow on the pension list of the army.

— Harriet, the wife of Lieut.-Colonel Hegg, of Emers Down Cottage, Lyndhurst.

6. At Dundee, at the advanced age of 93, Miss Susanna Lyon, daughter of the late William Lyon of Carse, Esq. advocate.

7. At the manse of Sanquhar, the Rev. William Ranken, in the 69th year of his age, and 25th of his ministry.

8. At Duddingstoun, John Hamilton Dundas, Esq. of Duddingstoun.

9. At Tradeston, Glasgow, Mrs Park, widow of Captain Charles Park of Parkhill.

— At Montrose, Mrs Margaret Stewart, in the 89th year of her age.

— At Anlham, near Chatham, George, eldest son of Sir James Malcolm, of the Royal Marines.

— At Currie, Walter Brown, Esq. of Currie.

9. At Tradeston, Glasgow, Mrs Park, widow of Capt. Charles Park of Parkhill.

10. At St Ann's, Jamaica, Mrs William Graham. — Also, at St Alban's, same island, on 23d October, Dr Robert Graham.

— At Brouduy Ferry, near Dundee, Lieut. James Bégbie, late of the Apollo frigate.

— At Edinburgh, Mrs Grace Ramsay, relict of David Ramsay, Esq. Cragheth.

— At Dalnavert, Mrs Clark, widow of the late Capt. Alexander Clark.

11. At his house of Hill Top, Staffordshire, James Ken, Esq. aged 85.

— At Dalkeith House, William Cuthill, Esq.

— At Dumbarton, Ebenezer Hislop, M. D.

— At Wooll, Charles Scott, Esq.

12. At Nether Bains, William Anderson, Esq. late of Jamaica.

— At Edinburgh, Mrs Margaret Miller, wife of Mr William Whyte, merchant Leith.

13. At London, Miss Isabella Douglass — in the colony of Barbadoes, Alexander Gordon Matheson, Esq.

14. At Parkhill, Dalry, the Rev. Thomson.

— At Hermitage Brae, Eliza Brown, spouse of Jas. Wishart, merchant, Leith.

— At Speddoch, Miss Ann Gilchrist, daughter of the late Dr Ebenezer Gilchrist.

15. At Edinburgh, Mrs Janet Blair, wife of Kenneth Mackenzie, M. D.

— At Marden Park, Surrey, in the 87th year of his age, John Hastall, Esq. Clerk of the House of Commons.

— At Leipsic, Field-Marshal Prince Charles of Schwarzenberg.

16. At Bermoudey, London, John Miller, M. D.

— Mrs Hagart, sen. of Bantaskine.

18. At Cornstown, near Stirling, John Stewart, Esq.

— At Brookfield Cottage, John Scott, D. D. minister of Avondale, in the 71st year of his age, and the 39th of his ministry.

19. At Strathaven, the Rev. Dr John Scott.

— At Glasgow, William Boyd, Esq. of Longrigg.

— At Glasgow, Mr Chas. James Camp-



bell, son of the late Dr Charles Campbell, of Benecoolen.

19. Robert Pender, Esq. of Parkside.

20. At Ramham, Kent, Jane Oliver, lady of Sir James Malcolm, Royal Ma-

At Edinburgh, Mrs. Janet Tiddell,

Thos. Bell, Esq. Wharton Place.

At Home Lacy, Hertfordshire, her the Duchess Dowager of Norfolk,

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At his house, Buccleuch Place, Edinburgh, Mr Peter Anderson, merchant and notarial agent.

At her house, near Aberdeen, Mrs Catherine Morrison, widow of the Rev. David Forbes, late minister of Laurence-

At Aberdeen, Capt. Hector McLean,

of the 1st regiment, and late of the 4th.

At his house, Major Gilbert

At his cottage, Altrive Lake,

Robert Hogg, at the advanced age of 70.

At Edinburgh, Mr Thomas Pyper, draper, much regretted.

At Edinburgh, Miss Margaret Muat, of Lasswade Hill.

At Glasgow, Mrs Scott, widow of the late Robert Scott, Esq. of Larchgrove.

At North Shields, the Rev. John Millar, late of Glasgow.

At Holyroodhouse, the Right Honourable Lady Elizabeth Murray, in the 70th year of her age.

25. At Forthside, near Stirling, Mrs Wallace of Forthside, in her 85th year.

At Hutton Hall, Mrs Catherine Hume, wife of Robert Johnston, Esq.

At Glasgow, Mrs Jean Crawford Gilmore, aged 70.

At Gilmore Place, Edinburgh, James Tait, Esq. late of the Bahamas.

26. At Ochilney, Elizabeth Duncan, in the 100th year of her age.

At his house, Union Place, Edinburgh, Mr Alexander Thomson, writer there.

At Monte Video, the Hon. Captain Henry Finck, Royal Navy.

In the 80th year of his age, Robert Stewart, Esq. of Garth.

At Trieste, M. Fouché, Duke of Otranto.

26. At Angers, Charles Viscount Walsley de Serrant, brother to the late Viscountess Southwell.

27. At her house in Aberdeen, Mrs Elizabeth Forbes of Blackford.

At Kelton Mains, near Dunfries, William Walker, Esq.

At Glasgow, Dr Patrick Cumie, Professor of Oriental Languages in the University of Glasgow.

28. At Bank House, near Dundee, Sir John Ogilvy of Inverquhartry, Baronet.

29. At Edinburgh, in the 82d year of his age, the Rev. John Tough, D.D.

At Pittour, Aberdeenshire, in his 72d year, George Fergusson, Esq.

At McCubbington parish of Dundee, William Cresbie, Esq. in the 82d year of his age.

The Rev. Richard Smith, Rector of Maiston, Yorkshire.

30. At Liss, v. Ireland, at the advanced age of 85, the Right Hon. John Staples.

At Hawick in the 89th year of his age, Mr James Oliver, merchant there.

At Inverkerthing, Mr George Beveridge, Collector of the Customs there.

At the Manse of Edderton, the Rev. Alexander Munro, minister of that parish, in the 61th year of his age, and 36th of his ministry.

31. At Whitecroft House, the lady of D. W. Henderson Somerville, Esq. of Fin-

gask and Whitecroft.

James Dickson, Esq. of Alton, merchant, Hawick.

At Bath, Fletcher Paris, Esq.

He has bequeathed L. 40,000, and a field, for the purpose of erecting 30 cottages, for the residence (with endowments) of the widows or daughters of ten poor clergy-

men, of ten reduced professional men, and of ten decayed merchants.

At the Island of Ceylon, Captain George Rivers Maltby, of the 16th foot.

At Bickon House, aged 85, the Right Hon. Lady Rolle.

At Twyford Lodge, Sussex, Lady Sewell, widow of the Right Hon. Sir Thomas Sewell.

At Laurens district, S. Carolina, aged 143, Mr Solomon Nabet, a native of England, who emigrated to that country at the age of 19.

At Cornforth, Durham, aged 83, Mr Robert Bell.

NOVEMBER 1. At China, the Hon. Valentine Gardner, captain of his Majesty's ship Dauntless.

— At George Town, in Barbice, his Excellency H. W. Bentinck, lieutenant-governor of that colony.

— At St Ninian's, near Wdoler, H. H. St Paul, Esq. M. P.

— At Farleigh House, Hants, in his 83d year, Admiral Sir Benjamin Caldwell, G.C.B.

— At Clifdale, Orkney, Mrs Balfour.

— At Inverness, in the 87th year of his age, Alexander Robertson, Esq.

— At London, Lieutenant General George Glasgow, of the Royal Artillery.

— At Duxfield, George, and on the 2d instant, Robert, sons of the late Mr Smyttan, surgeon, R. N.

3. At Reiss Lodge, Mrs Wemyss, wife of William S. Wemyss, Esq. of Southdun.

4. At his house, near Haugh of Urr, the Rev. James Biggar, in the 73d year of his age.

— At her house in Montrose, Lady Carnegie, relict of Sir David Carnegie of Southesk, Baronet.

5. At his house at Shooter's Hill, Sir William Robe, K.C.B. K.C.G. and K.T.S. colonel of the Royal Horse Artillery.

7. At Park House, Kent, Lady Calder, widow of Major-General Sir Henry Calder, Bart.

— At Freeland House, the Right Hon. Dowager Lady Ruthven.

8. Dr McLeod.

— At Perth, Mrs Ramsay, late of Invernettie Lodge.

— At Havre-de-Grace, Mrs Honeyman, wife of Captain Honeyman, R. N.

— At Cheltenham, Captain Valentine Fleming, 9th regiment.

— At his seat, the veteran poet, William Hayley, Esq.

9. At St Ann's Lodge, Mrs Mundell, in the 83d year of her age.

10. At Edinburgh, Colonel Maxwell, late of 7th dragoon guards.

11. At London, the Countess Dowager of Lonsdale.

12. At Edinburgh, Charles Melville, Esq. of Greenside.

— A negro man, native of Acra, at the residence of Captain Miller, in the

town of Woodstock, Sheddenoah County, United States, at the advanced age of 114 years.

13. At Glasgow, John Young, A. M. Professor of Greek in the College of Glasgow.

— At Sundrum, Miss Frances, daughter of John Hamilton, Esq.

— At his house in Queen Street, Edinburgh, Lieutenant-Colonel Imrie.

14. At Housedale, William Forbes, Esq. of Echt.

— At the Manse of Lunan, the Rev. John Gowans.

— The very Reverend William Pearce, D.D. and Reverend Dean of Ely, and member of Jesus College, Cambridge.

15. At Irvine, at the great age of 102, Mr James Neil, late a shipmaster from that port.

— At Edinburgh, John Carr, Esq. of Ryehope.

— At Barbice, George Gordon, Esq. after an illness of a few days.

16. At Collesie Manse, Fife, Mrs Walker, widow of the Reverend Andrew Walker.

— At Perth, John Richardson, Esq. of Pitfour.

— At Galashiels Manse, the Rev. Dr Douglas, in the 73d year of his age, and 51st of his ministry.

17. At his station on the south banks of the Nerbudda, in Bengal, Alexander Dick Lindsay, Esq. of the civil service of the Honourable East India Company.

— At the Manse of Dunbarney, the Rev. James Blatoun of Kirkpotter.

— At his house, in Guildford Street, London, in the 77th year of his age, the Rev. William Tooke, F.R.S.

— At Barbadoes, of the yellow fever, Captain Thomas Roberts, of the Royal Engineers.

18. At Girvan, Peter Douglas Murray, Esq. writer.

— At Leith, Helen Walker, wife of Mr Robert Dudgeon, merchant there.

19. At Thirsk, Yorkshire, Miss Lascelles, third daughter of the late Lascelles Lascelles, Esq.

— At Barns, James Burnet, Esq. of Barns, in the 84th year of his age.

— At Snowdon, Manchester, Jamaica, Dr Robert B. Wright.

20. At Port Maria, Jamaica, Captain James Gordon, late of the Aberdeenshire militia

— At Wester Wemyss, Mrs Mary Brodie, wife of Andrew Thomson, Esq.

— At Carradale House, Sarah Elizabeth, second daughter of Walter Campbell, Esq.

— At Fisher House, Islington, Miss Leith

— At his house, North Castle Street, Edinburgh, Kenneth Mackenzie, Esq. W. S.

21. At London, after a few days' illness, the Honourable John Hamilton Fitzmaurice, Viscount Kirkwall

At London, aged 75, James Harris, Earl of Malmesbury.

22. At Desart, his Lordship's seat, near Kilkenny, the Right Hon John Otway Cuthbert, Earl of Desart, in the 33d year of his age.

— At his seat, at the Priory, near Templemore, Ireland, Sir John Craven Carden, Bart, in the 63d year of his age.

— At Hutchesontown, in the prime of life, Malcolm McGregor, Esq. merchant in Glasgow.

— At Edinburgh, Thomas Adair, Esq. Clerk to the Signet

— At Aberdeen, the Rev. William Stuart, Tunbl, in the 80th year of his age, and 57th of his ministry.

23. At her house, in Haucourt Street, Dublin, Mrs Dunne, relict of Francis Dunne, late of Buttas, in the Queen's County, Esq.

— At Clackmannan, Mr Charles Stewart.

— At Aberdeen, the Dowager Lady Bannerman, in her 77th year.

— At Dover, Dr Francis Thatcher.

— At his house, York Place, Edinburgh, James Kettle, F. R. S., writer there.

24. At Cupa Fife, Mr Bartholomew Cockburn

25. At Edinburgh, Mrs Elizabeth Ord, widow of the late Lord Justice Clerk Macquenn.

27. At Warriston Crescent, near Edinburgh, Mrs Peddie, relict of Captain James Peddie, R. of Invalids, Jersey.

— At Manse of Dumblane, the Rev. Robert Gordon.

28. At Eccles, Mrs Mary McLaren,

wife of Captain Cunningham, Berwickshire militia.

28. At Chippings House, Mrs Macfarlane.

29. At Balcarres, Anne, Countess of Balcarres, widow of James Earl of Balcarres, aged 94

— At Bourdeaux, Colonel George Raymond, of the Guards, in the 33d year of his age.

30. Elizabeth Brand Vilant, daughter of the late Professor Vilant, at St Andrews.

— At his house, No 9, King Street, Golden Square, London, John Murdoch, Esq.

Lathe, At Exeter, George Gifford, Esq. eldest brother of his Majesty's Attorney-General

— At Blackeddie, near Sanquhar, William Johnston, Esq. late Provost of Sanquhar.

DECEMBER 1. At Demetara, in the 21st year of his age, Mr Thomas Dickson Golbie.

— James Fisher, Esq. of Sorrowlessfield, near Earlston.

2. At Dumfries, Mrs Richardson, relict of Captain Richardson, late of Newfield, parish of Ruthwell.

— At Humber, James Hepburn, Esq. of Humber, the last male representative of this ancient family.

— At his residence in Queen's Street, Cheapside, London, John Mann, Esq.

3. At Wauknull, Musselburgh, Mr Robert Primrose, in the 75th year of his age

4. At Stiches, Gilbert Chisholm, Esq. of Stiches.

— At Slaphouse, near Ayr, Mr Thomas Blair, farmer there, upwards of 93 years of age.

— At Govan, Lieutenant William Snodgrass, late of the 21th regiment of foot.

— At Bridgend, Linlithgowshire, in consequence of a fall from his horse, the Rev. John Reid of Prospect Hill, pastor of the reformed Presbyterian congregation of Laurieston. (Falkirk.) in the 67th year of his age, and 33d of his ministry.

6. At Latholm, Mr Robert Kerr, lineal descendant of George Kerr of Foddonside, a near relation of Robert, first

Earl of Roxburghe, and one of the heirs of entail of that noble dukedom.

8. At his house, West St Vincent Street, Glasgow, William Muir, Esq.

— At Clydeville House, Lanarkshire, Mrs Cochrane of Kirkfield.

— At Wartham House, the seat of Walter Long, Esq. his son-in-law, after a few days' illness, the Right Hon. Archibald Colquhoun, Lord Register.

9. At Dunbryan House, Mrs Macdonald, senior of Clamanald.

— At Kukealdy, Mrs Henry Oliphant, aged 80.

— At Crossflats, Robert Aird, Esq. in the 69th year of his age.

— At London, in his 74th year, the most Rev. Dr Bray, Roman Catholic Archbishop of Cashel and Emly.

10. At Demetara, Thomas Martin, Esq. merchant.

— In Castle Street, Edinburgh, Mrs Helen Edgar, relict of Henry David Inglis, Esq. advocate.

— At Edinburgh, Mary M. Anderson, spouse of James Anderson, Esq. younger of Strouquin.

— At Dumfries, Miss Helen Maxwell, daughter of the deceased Hugh Maxwell, Esq. late of Dalswinton.

— At Edinburgh, Gavin Hamilton, Esq. late of Tenby.

11. At Edinburgh, Mr Peter Mathur, jeweller.

— At London, Anne, widow of Thomas Graham, Esq. of Kinnoss and Burreleigh, late M. P.

12. Theodore Henry Broadhead, Esq. M. P.

— At Edmonstone House, James Brown, Esq.

13. At Cowhill, Sybilla Frances Scott, wife of Captain Charles J. Johnstone, R. N.

— At Stonebyres, Miss Vere of Stonebyres.

14. At Edinburgh, James Fogo, Esq. of Kilmorn, aged 87.

— At Edinburgh, Jane, daughter of George Warchope, Esq.

— At Demetara, after a short ill., Thomas Martin, Esq. merchant.

15. In Jamaica, Jonathan Forbes of Waterton, Master in Chancery, and Colonel of St Catherine's Regiment.

15. At his house, Buchanan Street, Glasgow, Robert Thomson, sen. Esq. in the 79th year of his age.

— At the Manse of Kingarth, Bute, the Rev. Mark Marshall.

— At Bath, Lady Christina Elizabeth Keith.

17. At Fountainhall, Sir Andrew Lauder Dick of Fountainhall and Grange, Baronet.

— At her house in Albemarle Street, London, Mrs Margaret Adam, in the 84th year of her age.

— At Carthines, George James, Esq. Isauld.

— At St Helena, Robert Grant, Esq. R. N.

— At Aberdeen, Mr Alexander Scott, writer, aged 83.

— At Ayr, Mrs Heriot Reid, relict of Major S. Doolittle, Heligoland.

18. At Oban, at an advanced age, Mr Hugh Stevenson, senior.

— At Brunswick, in the 131st year of his age, Augustus Duke of Brunswick.

— At Burn of Aberarder, Mrs Mac-tavish, relict of Duncan Mac-tavish of Geddis.

20. At Montego Bay, Jamaica, of a fever, after a few days' illness, William Bulfour, Esq.

— At Campbeltown, Argyleshire, Mrs Catherine McCollum, relict of Talmack Muir Rowatt, Esq. of Kirkcubbin.

21. At Edinburgh, Lieutenant-Colonel John Grant, late of Jang.

22. At Manse of Macbeth, Cusburne, the Rev. George Anderson, aged 66.

— At Burnisland, Miss Ann Ballantine.

27. At Madras, Captain Jonathan D. Michie, 2nd regiment of artillery, Hon. East India Company's service, Bombay establishment.

Lately, At Hastings, aged 87, Frances, Countess of Galloway.

— At Paris, M. N. Sade, satirist, died at the Opera. He met an untimely death by the bursting of a salt-water cooking apparatus. He was struck on the forehead by the lid of a boiler, his skull completely severed, and he fell dead at the feet of his daughter.



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